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COMITÉ

RAILWAY

PAR CHEMIN DE FER

CASE/CAUSE NO:

VOLUME NO: 3

PLACE/ENDROIT: WINDSOR, ONT.

DATE: NOV. 30/77

OFFICIAL REPORTERS

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CANADIAN TRANSPORT COMMISSION

RAILWAY TRANSPORT COMMITTEE

IN THE MATTER OF an Application of Canadian Pacific Limited dated at Toronto, the 15th day of April, 1977 and captioned as follows:

IN THE MATTER OF The Railway Act, R.S.C. 1956 c.R-2 as amended, Sections 196, 197 and 216, The National Transportation Act, R.S.C. 1970 c.N-17 as amended, Sections 52, 57 and 63 and General Rules of Canadian Transport Commission, Rules 200, 250, 260, 275, 305 and 770;

AND IN THE MATTER OF a pedestrian crossing at Mileage 109.30 of the Windsor Subdivision of Canadian Pacific Limited as shown on Plan and Profile No. G-1-114-A, dated April 14, 1975;

AND IN THE MATTER OF the opening for the carriage of traffic of a portion of the railway between Mileage 108.35 and 109.68 of the said Windsor Subdivision known as the Powell Sidings.

File No. 49787

Hearing held in the Cleary Auditorium,
201 Riverside Drive West, Windsor,
Ontario, Wednesday, November 30th, 1977
at 10:00 a.m., Local Time.

BEFORE:

J. T. GRAY, ESQ., Q.C.

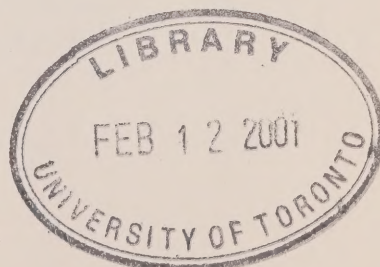
CHAIRMAN

J. M. WOODARD, ESQ.

COMMISSIONER

J. M. McDONOUGH, ESQ.

COMMISSIONER





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TORONTO, ONTARIO



APPEARANCES:

MS. DEANA SILVERSTONE Commission Counsel
N. A. CHALMERS, ESQ., Q.C.) Counsel for Canadian
R. M. McLEARN, ESQ.) Pacific Limited

B. J. MacDONALD - Hearing Process Officer

- - - - -

VOLUME 3

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P. Cornell





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A.1
MJC/ko

1 --- Upon commencing at 10:00 a.m.

2 THE HEARING PROCESS OFFICER: Order
3 please.

4 THE CHAIRMAN: Please be seated.

5 FATHER GIROUX: Mr. Chairman ---

6 THE CHAIRMAN: Yes Father?

7 FATHER GIROUX: Like myself I am not
8 going to be here -- just for a few moments this
9 morning and I would just like to make a short
10 intervention.
11

12 Am I permitted to do so?

13 THE CHAIRMAN: Yes we will hear you
14 Father.

15 FATHER GIROUX: What I would to --
16 the question of what is happening now is a legal
17 matter that is a little bit beyond me but I think
18 it is most important that it be recognized.
19

20 My concern is that presently the CPR
21 will be presenting their evidence. I believe it's
22 very important that the people be in a position to
23 react to that evidence and also to present their
24 counter evidence in a manner that is convenient to
25 them.
26

27 Now I am saying that if the hearing
28 does reconvene or continue in January, that serious
29 consideration be given sometime to have it at some
30



1 place that is convenient to the public in relation to
2 transportation and in relation to time.

3 THE CHAIRMAN: Yes sir. Do you have
4 some suggestions that you would like to make?

5 FATHER GIROUX: I would like to have
6 the right, with the people, to establish a place that
7 we could consider convenient for you to be able to
8 handle the hearings and then we would be in a position
9 to possibly have two evenings which could be time
10 that we would like to make those details to prepare
11 them and to present them to you at a later date.
12

13 THE CHAIRMAN: Well I would suggest
14 Father ---
15

16 FATHER GIROUX: Knowing the time that
17 you have set aside for the hearings.

18 THE CHAIRMAN: Yes, all right. I
19 would suggest, Father, -- well I will ask Miss
20 Silverstone to communicate with you prior to the
21 resumption of the hearings at which time the public
22 will have a chance to present their side and we will,
23 of course, do the best we can to accommodate you and
24 your request.
25

26 FATHER GIROUX: Very good.

27 THE CHAIRMAN: And if there is some
28 location, for example, other than this that is
29 suitable for a hearing we will try and meet the
30



1 convenience of the public.

2 FATHER GIROUX: Would you be in a
3 position to consider some of the time away from here
4 in order to serve that particular need?

5 THE CHAIRMAN: We will consider any
6 proposals certainly, yes.

7 FATHER GIROUX: Thank you.

8 THE CHAIRMAN: Thank you Father.
9 While you are here there is a question that I wanted
10 to raise this morning.

11 We have made arrangements -- well let
12 me start a little further back.

13 I realize that members of the public
14 who are here may not be shorthand reporters and may
15 not be in a position to take notes of the evidence
16 that is being given and as a result we have made
17 arrangements with the reporting service which we
18 retain in any case to provide us with one extra copy
19 of the transcript of evidence that will be given this
20 week and we would very much appreciate it if some one
21 person on behalf of the public could take custody of
22 that transcript and make it available to any of their
23 friends and neighbours that are interested in this
24 matter between now and the time the hearing resumes
25 because, you know, it is not always possible for
26 everyone to remember exactly what the evidence was
27
28
29
30



1 and I was wondering if we could impose on you, sir,
2 to either take that spare copy of the transcript or
3 make some arrangements ---

4 FATHER GIROUX: I would gladly be in
5 a position to take care of it.

6 THE CHAIRMAN: Well we would
7 appreciate it very much if you would, sir.

8 FATHER GIROUX: Thank you.

9 THE CHAIRMAN: Thank you.

10 MR. GABRIEL CHARRON: My name is Gabe
11 Charron. In regard to that, Mr. Chairman, I was
12 going to speak to that myself. I would suggest then
13 that the Father be given a list of Respondents who
14 wish to speak by the Clerk before he leaves here
15 today, if that is possible.

16 Now for the record I have had no
17 previous instructions from, I have not seen nor been
18 in communication nor received any advice from either
19 Mr. Fisher nor Mr. Paroian since they left these
20 hearings yesterday or before that time.

21 Their action was a total surprise to
22 me as it was to many people. I did speak very briefly
23 with Mr. Fisher. As a matter, I asked him as a tax-
24 payer since he was representing the City of Windsor
25 if I could have a couple of words with him. I did
26 speak very briefly with him on the side.



1 He advised, or he told me rather, that
2 he could not advise me as to what course to follow.

3 I bring this up just to ensure that it
4 is not construed as being staged or whatever you want
5 to call it. In other words, they don't even know I
6 am appearing here.

7
8 Now I don't understand their leaving
9 other than it being caused by this Tribunal in that
10 Respondents' request for adjournment was denied or
11 by procedural conditions imposed by this Tribunal.

12 I just found out this morning, as a
13 matter of fact on the eight o'clock news -- this was
14 the first time I heard it -- that they were in fact
15 going to the Federal Court.

2 17 Firstly, I do not understand how you
18 can say this Tribunal is not responsible for promises
19 or undertakings, legalese I guess, made by Mr. Jones
20 and Mr. LaBorde that evidence at these proceedings
21 will be accepted by you.

22 In effect, on the one hand you say that
23 three years of hard work and expense is down the drain.
24 On the other hand, you say that some of this will be
25 admissible. I do not and cannot logically accept this.
26 Either the last hearing was conducted by the Railway
27 Transport Committee or it was not. Either this present
28 hearing is being conducted by the Railway Transport
29
30



1 Committee or it isn't. If either of the hearings are
2 or were indeed not conducted by the CRTC then who are
3 the people we were dealing with for the last three
4 and a half years?

5 I might also ask then who are you the
6 present Tribunal?

7 I submit that the CRTC heard the
8 Applications. It was the CRTC. They heard
9 the Applications, and I use the word plural
10 advisedly of CPR in which the CRTC was more than
11 generous in allowing the CPR to modify applications
12 during the course of the hearings without adjourning
13 the hearings I might add.

14 I submit further that the CRTC Panel
15 appointed to hear this Application which, in my mind,
16 is not different from the last one. I further submit
17 therefore that since both panels consist of the same
18 body members, members of the CRTC or at least
19 appointed by the CRTC to hear these hearings, that
20 logically this Panel is bound by the promises and
21 conclusions made by Mr. Jones and Mr. LaBorde.

22 To be told that this Panel is not bound
23 by these past decisions because you did not make them
24 is a most frustrating insult to my intelligence and
25 an outrage to the public.

26 I am not a lawyer and do not wish to
27
28
29
30



1 argue the point. I am sure that Mr. Chalmers could
2 just tear me to shreds on this point. Other than to
3 say it usually takes a higher court to reverse a
4 decision rendered by a judge.

5 Now you yourself said this hearing
6 would be conducted in accordance with a court of
7 law. With all respect to your position, sir, how
8 can you have the authority to arbitrarily reverse
9 the findings of Mr. LaBorde and Mr. Jones which you
10 in effect are doing by putting them aside, as you
11 stated, as you are vested with the same identical
12 level of authority as they had?

3 14 I once again this morning move for
15 adjournment. These hearings cannot continue without
16 prejudice against the Respondents without their
17 counsel.

19 I realize their actions were of their
20 own doing but so be it. This does not alter the
21 situation.

22 Secondly, the absence of an adjournment,
23 which I do not really expect to be granted, I find it
24 intolerable that CPR will now present its evidence
25 and that we respond in January. This could be up to
26 two months away. Mr. Chalmers stated yesterday that
27 he doubts he can present full evidence with so little
28 notice.
29
30



1 I also have my doubts that he will.

2 I expect once again, as happened during
3 the past hearings, that CP's evidence will be hazy
4 and incomplete. This is a matter of record within
5 the 2600 pages of transcript put aside. In any event,
6 as I stated, I find it intolerable that CP presents
7 evidence now and this will happen during their
8 presentation of evidence I am sure.
9

10 When I spoke yesterday concerning
11 evidence that you in effect wanted presented from
12 the CPR I guess I misunderstood you in my
13 unprofessional naivety. I think I was under the
14 impression that they would submitting in writing
15 with exhibits the evidence that they intended to
16 bring forward during the hearings.
17

18 It was not my understanding that they
19 would present this evidence. This I feel is the only
20 action by them that should be entertained at this
21 time.
22

23 I repeat once again it is intolerable
24 that CP present evidence now and the Respondents
25 cannot reply until after the new year.

26 The Respondents are now at a distinct
27 disadvantage because of these conditions and also as
28 I mentioned there is no counsel to argue procedure,
29 points of law, to keep CP honest so to speak.
30



1 I therefore respectfully request that
2 all evidence that CP intends to put forward in this
3 Application be served to me along with transcripts
4 of the proceedings beginning this morning until this
5 Committee's adjournment.
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B.1
PC/ko

1 And I request that this be done in writing. I will
2 not be here for the CPR's presentation of evidence
3 and since I have personally incurred heavy expenses
4 over the hearings, during the past three and a half
5 years -- well, this point has been covered. I was
6 going to suggest that we receive the transcript but
7 I think you have covered that, and I am sure Father
8 can look after that in getting it Xeroxed and
9 distributing to us.
10

11 Now, with that, that is all that I
12 have at this time.

13 Thank you.

14 THE CHAIRMAN: Thank you, sir.

15 Dr. Henderson?

16 DR. HENDERSON: Sir, I am sorry to
17 impose myself on you once again, and I think that this
18 is the last time I will have to trouble you.

19 I stand before you this morning merely
20 to ask some questions, not to badger, or try and
21 change your mind on anything, but I feel that there
22 are some questions that need to be answered, and I
23 would hope that you would take it upon yourself to
24 answer these questions for me, either now, or at some
25 time in the near future.

26 I am a registered intervener in this
27 case. As you know, I'm not represented by counsel,
28
29
30



1 and as a matter of fact, as has been pointed out, as
2 a result of your Decision yesterday, and the reaction
3 to it, we have no counsel in court to represent the
4 citizens of Windsor.

5 It is my understanding that you are
6 now going to permit the CPR to proceed with their
7 case, presenting their exhibits and witnesses, without
8 being cross-examined at this time. Am I correct in
9 that assumption?
10

11 THE CHAIRMAN: That is correct.

12 DR. HENDERSON: In that case then, I
13 would like to pose to you some questions which I hope
14 you will answer for me.
15

16 Well, first of all, my understanding
17 from something that Mr. Chalmers said was that he was
18 going to present an expert witness from across the
19 continent. Now, am I right in assuming this is from
20 the United States?
21

22 THE CHAIRMAN: I have no idea.

23 MR. CHALMERS: Yes.

24 DR. HENDERSON: Now, if so, will this
25 witness be brought back to court for cross-examination
26 in January?

27 THE CHAIRMAN: By all means.

28 DR. HENDERSON: Now, at whose expense,
29 remembering that it is your ruling that prevents him
30



1 from being cross-examined now?

2 THE CHAIRMAN: He will come back at
3 the Applicant's expense as all other Applicant's
4 witnesses.

5 DR. HENDERSON: I see.

6 Will the interveners not represented
7 by counsel be allowed to cross-examine the witnesses?
8

9 THE CHAIRMAN: This is something which
10 I presume we will discuss at the time. I believe they
11 were allowed to cross-examine at the last hearing and
12 I would expect we will do the same, follow the same
13 procedure.
14

15 DR. HENDERSON: Yes.

16 Will the interveners be allowed to
17 present evidence?

18 THE CHAIRMAN: Oh, by all means,
19 certainly.

20 DR. HENDERSON: And call witnesses?

21 THE CHAIRMAN: Yes, yes.

22 DR. HENDERSON: I would like to know,
23 and this pertains not only to this long distance
24 witness, what happens if this witness from the U.S.A.
25 refuses to return for cross-examination?
26

27 THE CHAIRMAN: Then we will take all
28 the evidence he gave us in chief and throw it out.
29

30 DR. HENDERSON: I see.



1 What happens if he dies or becomes
2 disabled?

3 THE CHAIRMAN: Then, I guess we will
4 have to do the same thing, although I hope it does
5 not happen to the poor chap.

6 DR. HENDERSON: Well, sir, four to
7 six weeks is a long time and a lot can happen.

8 THE CHAIRMAN: No, we would not be
9 allowed to take into consideration evidence unless it
10 was subject to cross-examination and we would just
11 have to ignore it.
12

13 DR. HENDERSON: Now, this brings me
14 to another point: the same thing could happen to any
15 of the witnesses that are going to be called through
16 the CPR.
17

18 THE CHAIRMAN: Well, that is true.
19 If that happens that is the Applicant's problem and
20 they will have to find another witness.

21 DR. HENDERSON: Well, I am pursuing
22 this. I am not just debating. I am pursuing this
23 to a logical point.
24

25 THE CHAIRMAN: Well, I really should
26 not be giving you this free legal advice, you know,
27 sir. I am trying to be helpful.

28 DR. HENDERSON: Well, I am not a
29 lawyer and I have no lawyer and I have questions that
30



1 I, you know, I do not know how else I can prepare
2 myself for what is going to come up in January
3 without the answers.

4 THE CHAIRMAN: Well, you know there
5 is an old saying Doctor, that free legal advice is
6 usually worth about what you pay for it.

7
8 DR. HENDERSON: Yes. And, there is
9 also a saying: the man who presents himself in court
10 without a lawyer has a fool for a client, and, I
11 guess I am in that status.

12 If, for instance, the testimony of a
13 witness that is presented at this time, can no longer
14 be cross-examined in January, does this mean that the
15 hearing would be declared a mistrial?

16
17 THE CHAIRMAN: No, no, not at all.
18 I do not think so. Of course, the lawyers can always
19 argue about these things but if there was an area of
20 the Applicant's case which a particular witness covered,
21 and something happened to that witness, I think we
22 would have to give the Applicant an opportunity to
23 call another witness, in which case everyone would
24 have the opportunity to cross-examine him just as they
25 would have the opportunity to cross-examine him in the
26 first place.

27
28 DR. HENDERSON: Perhaps my concern is
29 coloured somewhat by being an old fan of Perry Mason,
30



1 but even after a witness has presented his evidence,
2 and say it is ruled out as evidence because of his
3 disappearance, you cannot rule out the fact that the
4 testimony, even though it no longer is admitted as
5 evidence, has still been given and the impressions
6 from his testimony cannot help but influence the
7 panel in its unchallenged form. This is something
8 that worries me.
9

10 THE CHAIRMAN: That is a philosophical
11 argument, Doctor, but if you are in the business as a
12 professional for any period of time, you get so that
13 you achieve quite a talent for just ignoring the
14 evidence that you are not supposed to take into
15 consideration.
16

17 DR. HENDERSON: I see.

18 Now, with regard to any additional
19 witnesses that might be called in January by the
20 CPR, are you going to insist now that the CPR present
21 its entire case at present, or will you allow the CPR
22 to call new evidence in January, perhaps in rebuttal,
23 or even at a later date?
24

25 THE CHAIRMAN: Well, Doctor, it is
26 very difficult to anticipate everything that is going
27 to happen in connection with a public hearing.
28

29 Now, the general principle that we
30 enunciated yesterday was that they should put in



1 their full case. Now, at the end of their whole case
2 I may say: Mr. Chalmers, I do not think you adequately
3 covered subjects A, B, C, D and E and when we come
4 back in January, I want you to elaborate on those
5 things but, subject to that, and that very well may
6 not happen if he does his job properly, if his client
7 does his job properly, the idea is that the whole
8 case should go in now so that everyone here will know
9 what they have to meet in January.
10

11 DR. HENDERSON: All right, thank
12 you.
13

14 Now, with regard to the presentation
15 of the CPR testimony. I personally am going to be
16 unable to attend the remainder of this hearing
17 because of operating requirements and appointments.
18 I intended to make time in my schedule but I find
19 I have to change my schedule in order to be present
20 in January, not that I am any different from anybody
21 else, but perhaps it is generally unknown to the
22 members of the Panel it takes anywhere from eight to
23 ten weeks to schedule elective surgery.
24

25 I fully intend to cross-examine some
26 of the CPR witnesses but I feel that in order to be
27 able to do so, we have to have all of the evidence
28 submitted to us and also the transcript of hearing.
29 Now, you have covered the transcript of hearing and
30



1 I will come back to that in a moment if I may, but
2 would you have -- do you have any idea at the present
3 time of when this re-hearing will take place?

4 THE CHAIRMAN: I was hoping the first
5 or second week in January we would commence, but this
6 is subject to some negotiations depending on the
7 commitments of my colleagues and the availability of
8 the hearing room and the things that you normally
9 have to take into consideration.
10

11 We have to start early in January
12 because of other commitments towards the end of the
13 month. It will be a long hearing I presume.

14 DR. HENDERSON: Now, can you give us
15 any commitment as to what sort of notice you can give
16 us, how many days notice you can give us before this
17 hearing is resumed?
18

19 THE CHAIRMAN: Well, we will try to
20 give you lots of notice. We will try to determine
21 the starting date for the new hearing within the next
22 week.
23

24 DR. HENDERSON: I see, fine.

25 THE CHAIRMAN: We want to give every-
26 one a fair chance.

27 DR. HENDERSON: Will you direct ---

28 THE CHAIRMAN: We may even, as my
29 colleague has suggested, if we can do it, we may very
30



1 well set the date before we leave.

2 DR. HENDERSON: Fine, thank you, and
3 you will notify those who are interested interveners
4 by mail?

5 THE CHAIRMAN: Yes. Well, we will
6 either do it -- those we can notify here we certainly
7 will and we will notify them by mail too.

8 DR. HENDERSON: Are you going to
9 direct the CPR to submit all exhibits, material, maps,
10 plans and testimony to the interveners as well?

11 THE CHAIRMAN: Well, now, Doctor,
12 you have covered a lot of territory. The evidence
13 that they adduce will be in the form of vocal
14 evidence which will all be in the transcript, word
15 for word, and the other part of their evidence will
16 be the exhibits which they file. We have undertaken
17 already to provide copies of exhibits to everyone
18 who filled out one of these sheets (indicating) and
19 the transcript will be in Father Giroux's hands and
20 it will be available for your use if you require it,
21 so all the evidence is going to be available.

22 DR. HENDERSON: Well, I am a little
23 bit concerned that the transcript; well, I appreciate
24 very much the fact that you are going to provide us
25 with the transcript and with the number of people that
26 have intervened so far I'm not too sure in the period
27
28
29
30



1 of time you have mentioned that one transcript is
2 going to be adequate. We can only do what we can do.

3 It might be asking a great deal of you
4 if possibly you could make two transcripts available
5 but possibly you cannot.

6 THE CHAIRMAN: Well, I am probably
7 doing something illegally in giving you the one under
8 the rules of the Department of Finance and Treasury
9 Board, but I thought if necessary I would pay for it
10 myself but I do not think that will be necessary.

11 DR. HENDERSON: Well, I am sure you
12 understand the point that without us being able to
13 attend all of the hearing and without us being able
14 to recall for possibly another six weeks everything
15 that was said, that without the transcript the
16 individual just is in an impossible situation.

17 THE CHAIRMAN: All right, Doctor, let
18 us leave it this way: if a real problem is encountered
19 as a result of your only having one copy of the
20 transcript, you know, ask the Father yourself to
21 inform our counsel, Miss Silverstone, and we will see
22 what we can do for you.

23 DR. HENDERSON: Thank you very much.
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C-1

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DR. HENDERSON: Thank you very much.

I won't take much more of your time.

The last question, my next question might be directed through the Chairman to the CPR. And you might get upset with me for this, because it has already been registered and I would like to know, is an application for interim use of the tracks going to be ruled on at this time?

MR. CHALMERS: It has been withdrawn, Mr. Chairman.

THE CHAIRMAN: I guess that answers that one.

DR. HENDERSON: That's right, I did not realize that that's why I had to ask it.

I think you understand that I am not just badgering you with rhetorical questions.

THE CHAIRMAN: Doctor, I think that all your questions are questions which we might expect to be raised to allay concerns you might have.

DR. HENDERSON: Now I asked a question yesterday, I asked a number of questions yesterday which I am sure reading over the transcript you will be able to answer. If you feel that it is advisable I would appreciate an answer to those questions. But I would direct you in particular to one question and I have asked this question of Mr.



C--2

1 Hibbard during his original inspection and I would
2 pose it again now, it is a serious question that
3 requires an answer. As to how many deaths you feel
4 would be acceptable in the event of an explosion
5 occurring in a car loaded with inflammable materials
6 stored in this residential area. In answering
7 this question I would wish you to keep in mind
8 that there are two railroads involved here, the
9 CPR and the C&O and the Chessie System.
10

11 Our information is that the C&O's
12 record of safety is not a very happy one. There
13 has been such an explosion in the Detroit suburbs
14 within the past year, and I am sure that this can
15 be documented with no trouble. I believe it was
16 in the suburb of Romulus. And I think you have
17 got to realize when and if you permit the
18 operation of this yard, such a catastrophe would
19 be the direct result of this action. With
20 reference to the application filed by Mr. Chalmers
21 we are made aware that the economy of the country
22 and the city already being adversely affected
23 and will be so affected without the use of the
24 Powell marshalling yard.
25

26 Now I do not have the exact
27 application with me but I believe the statement
28 made in the application is somewhat to that effect.
29
30



C-3

1 Then this statement must surely not
2 be accepted at face value. It has to be proven
3 without doubt. At no time in the past has the
4 economy of the country been mentioned in any
5 application made by the CPR. And I would think
6 that this all encompassing statement of the
7 economy would by needs be proven without doubt
8 especially when it affects the economy of the city.
9 Because it is our understanding that the only
10 thing that takes place with these trains at the
11 present time is an exchange of crews.
12

13 And I would ask the Panel, not
14 direct the Panel, ask the Panel, if they would
15 demand such proof.
16

17 I feel the C&O as well as the CPR
18 must surely be held accountable for the operations
19 in this area. All of our present testimony and
20 legal arguments have been directed towards the
21 CPR. But the C&O is an equal partner in this
22 venture. And I have never heard anything presented
23 on behalf of the C&O as to their approach to the
24 problem that exists with the neighbours and the
25 complaints that the neighbours have made. We have
26 had no testimony introduced at any time and we
27 are not sure yet whether there will be testimony
28 introduced as to whether these cars are adequately
29
30



C-4

1 inspected before they are brought here, what kind
2 of dangerous material they carry. The C&O I assume,
3 and I am sure Mr. Chalmers is going to give us the
4 material that's carried by the CPR trains. But
5 there is another set of trains involved. And I was
6 wondering if somewhere in this testimony someone
7 in a position of authority for the C&O might not
8 also be held in account to explain his operations
9 in this situation. It has never been explained
10 in any way.
11

12 With regard to the statement that
13 was made that there is no other location available
14 for this yard, I do not think that statement either
15 should be accepted at face value. I wonder would
16 the Chair insist on proof that this statement be
17 presented, and that this should include an area of,
18 a radius approximately, I just take this off the top
19 of my head because I think that the countryside
20 that lies between here and Tilbury, I wonder if
21 we should not include the possibility of a radius
22 of 25 miles to include Detroit. Because at no time
23 have we ever been presented with evidence that this
24 exchange of crews could not be carried out in Detroit
25 as well as here. Why should this just be
26 a Windsor operation alone?
27
28
29

30 Now with that, sir, if you could



C-5

1 answer my questions at a later time at your
2 convenience, that I posed today and yesterday, I
3 would appreciate it very much.

4 THE CHAIRMAN: Doctor, I am going to
5 answer the last few points that you raised in a
6 philosophical way, which I am sure is not going to
7 satisfy you. But it is the only way in which I
8 can answer them.

9
10 You asked me a question concerning
11 what number of deaths are tolerable. Well that
12 raises the whole philosophical question of safety
13 versus economics. And in every commercial and
14 private operation at some stage of the game, and
15 this maybe a cruel thing to say but it is a
16 fact of life. At some stage of the game you have
17 to arrive at a saw-off between total and absolute
18 safety when no one ever gets injured in any respect
19 and nothing ever happens and nobody can make a
20 living and everybody starves to death and a case
21 where you assume some risks and people can live,
22 you know, from a commercial point of view. So
23 that CPR are entitled to put in their case and say
24 this will result in an acceptable level of safety.

25
26
27 You are entitled to put in your case
28 and say, they are crazy, that's not an acceptable
29 level of safety. And then we have to sit down
30



C-6

1 between the two of you and try to arrive at something
2 that's sensible. So there is no answer at the
3 moment because we have not heard the whole case.

4 And the other points that you raised
5 and asked questions about, Mr. Chalmers is here and
6 he has to decide with his client how they will
7 satisfy your concerns. Now they will put in their
8 evidence and you will hear the evidence and you
9 will have a month or five weeks, it may be more or
10 it may be a little less, and then you will have to
11 decide whether you think they have done it adequately
12 or they have not done it adequately. And if they
13 have not done it adequately then you will come and
14 say, look, these are fifty places where I do not
15 think they have satisfied me and for these reasons.
16 And then once again we have to sit down and look at
17 all the evidence given to us by all the interested
18 parties and try to arrive at what/^{is}the best solution
19 in the public interest.

20 Now if they do not succeed in
21 satisfying us they won't get what they want.

22 DR. HENDERSON: I appreciate your
23 comments. Just as a matter of interest, you might
24 be interested in knowing that in the Detroit area
25 on the expressway system there are areas in that
26 system which are 25, 30, 40 feet below ground level.



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

C_7 1 And these tank cars carrying the flammable liquids
2 are not allowed to use those areas because of the
3 danger presented.

4 THE CHAIRMAN: This is really giving
5 evidence, Doctor, and I hope --

6 DR. HENDERSON: I stand corrected.

7 THE CHAIRMAN: Well I hope, I was
8 going to say that I hope that you will be back in
9 January to tell us all these things then as a
10 witness.
11

12 DR. HENDERSON: Thank you.

13 THE CHAIRMAN: Thank you.

14 Well Mr. Chalmers, are you ready to
15 proceed?
16

17 MR. CHALMERS: Yes.

18 THE CHAIRMAN: I must say that with
19 respect to the representations that were made by Mr.
20 Charron, they did not seem to me to raise any new
21 points that were not taken into consideration in
22 arriving at our decisions yesterday not to adjourn
23 but to proceed with the taking of the evidence. So
24 we will do as we had planned and we will hear the
25 evidence of CP and then we will adjourn until the
26 New Year.
27

28 Go ahead, Mr. Chalmers.

29 MR. CHALMERS: Thank you.
30



C_8

1 May it please the Commission that this is an
2 application under Section 196-197 of the Railway Act
3 and Section 62 of the National Transportation Act
4 and out of an abundance of caution under Section 216
5 of the Railway Act for permission to operate over
6 the two sidings of which we have heard so much,
7 which has been there for some time, over the Parent
8 Avenue crossing and to operate on them at all if
9 216 does apply. And in support of that we will
10 endeavour without taking too much of the Commission's
11 time, particularly in light of what has been said,
12 to call a reasonably complete case on the economics,
13 the commercial necessity for the siding on the
14 railroading case of how it will -- the difficulty
15 that is encountered now in handling the railway
16 traffic through the Detroit gateway and the manner
17 in which it could be handled through the Powell
18 Sidings and why regrettably there seems to be no way
19 out.
20
21

22 This is the case that I wish I did
23 not have to make. It seems to be there and I shall
24 make it, there is no other way of doing it. And
25 also a case as to the mechanics of the possible
26 alternatives for the crossing. In addition,
27 again out of an abundance of caution in light of
28 what you said in particular, sir, the case as to
29
30



1 the relative safety, and I will never be able to put
2 it better than you just did with respect; the
3 saw-off in real life that one has to make between
4 economic necessity and safety and environmental
5 considerations.

6
7 Obviously there has to be enormous
8 weight given to safety and environmental considerations;
9 for that reason in this day and age, whether one has
10 a jurisdictional argument that one should not
11 consider that or not, you will have evidence on the
12 assumption that you are going to.

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D-1

MJCeg

1 And evidence from the Ontario Hydro Electric Power
2 Commission, evidence from experts on the environment
3 and evidence as to the railroad's handling of
4 commodities which are indeed dangerous themselves
5 and without which North America doesn't seem to be
6 able to live in the way in which it chooses to live.
7

8 Now, sir, you expressed particular
9 interest in the plans to which the third Canadian
10 Pacific witness will speak and yesterday when I
11 thought I was going to commence I had left with the
12 Clerk copies for each Commissioner of the proposed --
13 of eight sheet of plans for an overpass and two
14 alternative underpasses and two sheets of drainage
15 plans which the Commission I felt were -- perhaps
16 I misread the situation -- I felt were anxious to
17 have before perhaps they were formerly proved and
18 I would like to put them in.
19

20 Now you will find when you inspect
21 these, sir, that the underpass plans are both very
22 strange and perhaps to all appearances not
23 desirable and the witness will speak to that. That
24 is, because they are designed to be completely
25 contained in the 96 feet of the CP right-of-way.
26

27 Now I am having that third witness
28 also reproduce plans which, of course, had been in
29 existence for some years for an underpass that one
30



0-2 1 can see right through but which involves taking of
2 land in the park to get out of it which Canadian
3 Pacific, as I read Section 198, Subsection 2 of the
4 Railway Act cannot do unless you decide that is the
5 way you want this underpass to be, should you want
6 there to be an underpass, should you want us to
7 operate on this trackage.
8

9 I would like to tender -- I did
10 furnish because they had not yet withdrawn -- I
11 furnished copies of this material to Messrs. Paroian
12 and Fisher yesterday and three copies to your Clerk.
13

14 I would like to tender now on the
15 undertaking to prove it by Mr. LaFontaine of
16 LaFontaine, Cowie, Buratto and Associates Limited
17 of this City, the eight sheets of plans for various
18 arrangements to the crossing and ask that they be
19 marked as Exhibit CPA if that is suitable?
20

21 THE CHAIRMAN: Mr. MacDonald, can you
22 arrange to have copies of those put on the Board and
23 left here for the remainder of the hearings so that
24 the members of the public, during the break, could
25 have a look at them?

26 THE HEARING PROCESS OFFICER: Yes, I
27 will do that, Mr. Chairman.
28

29 MR. CHALMERS: I know the Commission
30 Staff I gather had copies I intended to the Commission



D-3

1 Members since yesterday. I hope that is all right.
2 I was at pains that they be produced in open
3 hearing.

4 COMMISSIONER WOODARD: Mr. Chalmers,
5 just on this point. Will you be able to provide
6 copies of these plans to some of the people that
7 have registered appearances here?
8

9 MR. CHALMERS: Yes. Not today. How
10 many?

11 COMMISSIONER WOODARD: Well ---

12 THE CHAIRMAN: We will provide you
13 with a list.

14 MR. CHALMERS: A complete set to
15 every one of them?
16

17 COMMISSIONER WOODARD: I would think
18 so. I think that was the undertaking you made the
19 other day.

20 THE CHAIRMAN: I think it was an
21 undertaking I made.

22 MR. CHALMERS: I wasn't going to get
23 into an argument about that but if that is the
24 Commission's wish it will have to be done. It will
25 have to be done.
26

27 THE CHAIRMAN: It was an undertaking
28 that I made and I would appreciate it if you will
29 do that.
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D-4

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MR. CHALMERS: It won't be done --
they won't be -- I mean as to timing; well, that
particular one -- those particular plans we can
probably get fairly promptly. There are other plans
and so on coming in relation to railroading and the
like that we have a reasonable number of copies of.
Not for Messrs. Fisher and Paroian and so on so we
would have to have a small delay.

THE CHAIRMAN: Well, Mr. Chalmers,
I will provide you with a list of the people who
have filed appearances with us, if possible with
their addresses as soon as possible. By the time
of the break this morning.

MR. CHALMERS: Thank you. We will
endeavour to get them copies. In the meantime -- my
point is I don't have copies of everything here. I
am sorry.

THE CHAIRMAN: No, but as long as they
receive them within a reasonable period of time --

MR. CHALMERS: They will.

THE CHAIRMAN: That will be satisfactory
to them.

MR. CHALMERS: They will.

Mr. Charles Watson?

CHARLES C. WATSON, Sworn.

THE HEARING PROCESS OFFICER: Would you



D-5

1 state your name in full and spell it for the record,
2 please?

3 THE WITNESS: Charles C. Watson,
4 W-a-t-s-o-n.

5 THE HEARING PROCESS OFFICER: And
6 your address, Mr. Watson?

7 THE WITNESS: 1255 Sherwood Crescent,
8 Town of Mount Royal, Quebec.

9 THE HEARING PROCESS OFFICER: Thank you.

10 DIRECT EXAMINATION BY MR. CHALMERS:

11 Q. Are you the General Manager
12 of Freight Sales of Canadian Pacific?
13

14 A. I am.

15 Q. And have you worked in Montreal
16 for Canadian Pacific since June of 1966?
17

18 A. I have.

19 Q. And what was your capacity
20 before you were General Manager, Freight Sales?
21

22 A. My immediate capacity before
23 that was Systems Manager, Freight Sales.

24 Q. And prior to that again?

25 A. Systems Manager, Freight Sales
26 Development.

27 Q. And does that take you back
28 to your service for the CP in Montreal since June of
29 '56.
30



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A. It does.

Q. And how long with CP all
together?

A. Over 30 years.

Q. And that goes back to what,
'47?

A. Yes.

Q. And what were you doing for
CP between 1947 and '66?

A. At various capacities in the
United States sales force.

Q. Where? In what locations?

A. I have been posted in
Minneapolis, Minnesota, Indianapolis, Indiana,
Chicago, Illinois, New Orleans, Louisiana and
Detroit, Michigan.

Q. And at what stage of your
career were you in Detroit?

A. Just prior to coming to
Montreal.

Q. And what were you selling?

A. The freight services of
Canadian Pacific Railway.

Q. And are you familiar -- have
you ever been a railway operating man in any sense?

A. No. Not in any sense.



D-7

1 Q. Now, are you familiar with
2 the commercial side and commercial significance of
3 Canadian Pacific's operations through the Windsor/
4 Detroit gateway?

5 A. I am.

6 Q. What do you understand by
7 that expression, the Windsor/Detroit gateway?
8

9 A. That is where Canadian Pacific
10 or CP Rail interchanges international business with
11 the various railways located at the Detroit/Windsor
12 gateway.
13

14 Q. Is that expression used in
15 the work of any other Canadian Railway?

16 A. Yes.

17 Q. And do they regard it in the
18 same way? Interchange -- do they regard it in the
19 same way or some other way?
20

21 A. Other Canadian and U.S.
22 railways?

23 Q. Yes?

24 A. They regard it in the same way,
25 yes. As an interchange point or a gateway.

26 Q. And what are the dimensions
27 of that gateway in relation to others? Well, excuse
28 me. Are there other gateways than the Detroit/
29 Windsor gateway in which the same sort of activity
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D-8

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takes place or are there not?

A. Yes. There are a number of
them across the breadth of the country.

Q. Can you identify some of them?

A. Just north of here there is
an interchange at Port Huron, Michigan and Sarnia,
Ontario which is not served by CP Rail. There is
another gateway at Sault Ste.Marie, Ontario and
Sault St.Marie, Michigan which is between CP Rail
and the Soo Line.

East of Detroit/Windsor is the
Niagara Frontier gateway or Buffalo and Hamilton
vicinity. East of that are gateways south of
Montreal. East of that gateways in Vermont. I am
speaking of CP Rail gateways here.

Q. Yes.

A. There are many other of other
railways. The furthest east gateway of any notable
use is in the State of Maine. West of Detroit/
Windsor -- I have already mentioned the Sault Ste.
Marie gateway -- there is a gateway at Emerson,
Manitoba and Noyes, Minnesota. A gateway at North
Portal, Saskatchewan and Portal North Dakota.

Q. Is Emerson just a CP gateway
or is anyone else involved in that one?

A. There is another carrier



D-9

1 involved there.

2 Q. Yes?

3 A. The Burlington Northern.

4 Q. Right. How does the Detroit/
5 Windsor gateway compare in significance with the
6 other gateways that you have?

7 A. There is only one larger
8 interchange point than the Detroit/Windsor gateway
9 and that is the North Portal-Portal gateway that I
10 mentioned.

11

12 Q. In Saskatchewan?

13 A. Yes.

14 Q. And what have you to say, if
15 anything, as to the significance of the interchange --
16 well, are there interchanges with more than one
17 American railway at Detroit/Windsor?

18

19 A. Yes. There are five and
20 four of them are of major significance.

21 Q. And among them what is the
22 relative significance of the interchange of the
23 Chessie System?

24

25 A. That is the largest carrier
26 that we interchange with at the Detroit/Windsor
27 gateway in number of cars and tons and revenue.

28 Q. In your present capacity what
29 is your concern with the Detroit gateway?

30



D-10

1 A. It is of prime importance to
2 the movements of goods between the two countries. It
3 is our national -- geographically our national
4 gateway for interchange of commodities between
5 Canada and the United States encompassing primarily
6 the eastern part of Canada and the central or
7 mid-western portion of the United States and further
8 generally right to the Westcoast.
9

10 I think in defining the geographical
11 area of traffic or freight business that is
12 interchanged, roughly that area would encompass
13 drawing a line from Detroit southeast to Jacksonville,
14 Florida everything lying west of that line originating
15 or terminating could move through the Detroit/Windsor
16 gateway and drawing a line from Buffalo to New York
17 City, everything north and east of that line could
18 be interchanged and, of course, the whole of
19 Eastern Canada a line roughly right straight up
20 north from Detroit.
21

22 These are general boundaries. Now
23 there are some cases where rates and routes would not
24 apply but that is the general geographical area.
25

26 Q. Now on the board there are two
27 charts. Can you see them from where you are?

28 A. Yes, I can.

29 Q. And were these prepared under
30 your direction?



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A. They were.

Q. From Canadian Pacific

Corporate data?

A. From Canadian Pacific records,
yes.

Q. Thank you.

MR. CHALMERS: Now you were asking
me, sir, for copies. I would tender three copies
for the Board of these charts and would ask that one
of them be the formal exhibit. Far from having
20 copies I find I only have four.

THE HEARING PROCESS OFFICER: This
will be Exhibit CP-B.

--- EXHIBIT NO. CP-A: Eight Sheets entitled
CP Rail Mileage 109.3
Windsor Subdivision Rail
Crossing, et cetera and
Drainage Plans.

--- EXHIBIT NO. CP-B: CP Rail Detroit/Windsor
Gatesay Year 1976
From or Via Canada to
the U.S.

MS. SILVERSTONE: Mr. Chalmers, I
would like a copy too.

MR. CHALMERS: Okay. I will work
with the one that is posted then.

MS. SILVERSTONE: Thank you.

MR. CHALMERS: Incidentally, I



D-12

1 wonder if I could later retrieve one copy from the
2 Commission. I would be unable to provide copies to
3 the public.
4

5 THE CHAIRMAN: We will arrange that.

6 MR. CHALMERS: Thank you.

7 Q. Now the left hand chart is
8 headed "CP Rail Detroit/Windsor Gateway Year 1976"
9 and there is a list at the left hand side of the
10 top -- pardon me, the top part of the chart is from
11 or via Canada to the United States and the bottom
12 part is to or via Canada from the United States and
13 on the left hand side, unless I can't read, appears
14 to list the same American Railways as the connecting
15 carriers and then follows figures for cars, tons
16 and CP revenue which are totalled.
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E.1
PC/ko

1 Now, would you like to explain this
2 left hand chart please, in your own words?

3 A. Yes. The railways listed are
4 the railways with whom CP Rail connects at the
5 Detroit/Windsor Gateway. Railways from which we
6 receive freight and railways to which we deliver
7 freight.
8

9 The top part of that document is the
10 cars, the tons in those cars, and the revenue derived
11 to CP Rail from moving that, the money they earned
12 in performing that service; on business or freight
13 that originated in Eastern Canada or New England,
14 in the New England portion of the United States,
15 and as you see it was almost 52,000 cars, two and
16 a half million tons that originated in Eastern Canada
17 and New England, and delivered to connections here at
18 Detroit/Windsor Gateway for the year 1976.
19

20 Q. What economic significance
21 does that traffic -- what is the economic significance
22 of Canada for that traffic from the United States,
23 back into the United States?
24

25 A. The economic significance is
26 basically one of business for CP Rail; that the people
27 who ship those goods selected CP Rail to share in
28 their movement from their manufacturing facility, or
29 whatever, in New England to a destination in the
30



E 2

1 Midwestern United States.

2 In our terms we call that overhead
3 business. It is business that we neither originate
4 or terminate. On our railroad we are an intermediate
5 carrier for that business.

6 I do not have the exact number here
7 of what portion of the 51,936 cars but I would
8 estimate that it is probably somewhere like a quarter
9 of that number is business that originated at
10 points in the United States and was destined to a
11 point in the United States that move via Canada.
12 The economic significance is simply one that the
13 shippers of these goods elected to use CP Rail
14 because of the service that it provides in conjunction
15 with the other carriers.

16 It is what we sell -- one of the
17 components of the product we sell is service,
18 probably the most important product, and this is
19 part of my responsibility and that is to tell people
20 who move goods that are amenable to our handling, of
21 what service we can provide them in moving their
22 goods from their plant to their customers and
23 transit time, of course, is important for many
24 reasons and they have elected to use CP Rail because
25 we provide good transit service.

26 Q.

27 Now ---

28 30



1 THE CHAIRMAN: Mr. Chalmers, I do
2 not wish to interrupt if I can avoid it at all, but
3 I found we cannot arrange to have this exhibit copied
4 before noon, at the soonest, and I am concerned that
5 members of the public that are present probably cannot
6 see the figures on the board, unless they have a lot
7 better eyesight than I have, so I wonder if you could
8 conduct your examination before you are finished with
9 this particular exhibit in such a way that the general
10 import of the exhibit will be given verbally so that
11 everyone will know -- for example, it looks as though
12 the purpose of the exhibit is to show how important
13 economically this traffic is to CP. Perhaps you
14 could ask questions that would summarize it at the
15 end of your examination.

16 MR. CHALMERS: I certainly shall.
17 I certainly will endeavour to do that. But before
18 we leave the overhead traffic, my question was not
19 simply the advantage to Canadian Pacific. Now, that
20 may be very important to you and to me but is there
21 any other advantage?

22 THE WITNESS: Yes, I see what you
23 are getting at. I mentioned that service is of prime
24 importance and I would first point out that this is
25 highly competitive business, as is all of our business,
26 and what we have to provide to our customers is
27
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29
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1 benefits to fulfill their needs and this is the basis
2 of our sales work and that is trying to learn from our
3 customers what they need in the way of transportation
4 and then we try to supply that need. It is the same
5 basic principle of anyone selling any type of product.

6 Now, one of the components of our
7 product, as I mentioned, is service and service is a
8 critical aspect. That is the time lapse of getting
9 the goods from the manufacturer to the ultimate user
10 or distributor of the goods.

12 In this day and age it is of prime
13 importance primarily because of the cost of holding
14 inventories. This always enters into discussions we
15 have with customers endeavouring to handle their
16 business.

18 I think probably the best way that I
19 can illustrate that is taking the example in movement
20 of a commodity called naphthalene cyanide which is a
21 raw material used in the manufacturing of glass.
22 Naphthalene cyanide in Canada is produced or mined
23 near Peterborough, Ontario, and it competes with a
24 product called feldspar. I do not know of any
25 commercial feldspar operations in Canada. One that
26 comes immediately to mind, there are feldspar mines
27 in Georgia and I believe in Mexico who could supply
28 their feldspar as a substitute for naphthalene cyanide
29
30



1 or vice versa.

2 Now, the point of using this as an
3 example is the Canadian producer of cyanide not only
4 must compete with the producers of feldspar in price
5 and quality but in the time it takes him to get his
6 goods to where they are going to be used.

7
8 So, this is where a transportation
9 system has to enter into the picture. A Canadian
10 transportation company to keep a Canadian company
11 competitive must provide at least the same transit
12 time as is afforded to the competitors of the
13 Canadian industry. This would apply to newsprint --
14 well, to most any of the commodities, the broad range
15 of commodities that are listed there and I would say
16 that not all goods are time sensitive but from the
17 inventory standpoint I think generally they are
18 because holding inventories is costly.

2 20 MR. CHALMERS: Q. Yes. My original
21 question was, is there a benefit to Canadians, Canada,
22 other than to Canadian Pacific from the overhead
23 trade you have explained and the Canadian manufacturers
24 obviously are better able to compete.

26 What assistance is it to the country
27 that we have the overhead trade running through
28 Canada?

29 Well, could it go through some other
30



1 route through Canada?

2 A. Oh, yes, quite a few other
3 routes. All routes, rail routes or highway routes,
4 for that matter, totally within the United States or
5 south of the Great Lakes if you want to put it that
6 way.

7 Q. Well, what is the advantage to
8 the country apart from Canadian Pacific in having
9 them come through this part of the country if any?
10

11 A. Well, there certainly is an
12 advantage -- it keeps people employed for one thing.
13 That added business to the railway certainly keeps the
14 railways employed. It keeps trains up to operating
15 capacity and hopefully more trains have to be put on,
16 more people employed to run those trains.
17

18 I guess that would be the basic
19 economic benefit to that specific business.

20 Q. Yes. Now, speaking on the
21 left hand chart for a minute, the list of connecting
22 carriers on the left hand side is the following:
23 Chessie, Conrail, Detroit, Toledo and Ironton,
24 Detroit, Toledo, Shore Line and the Norfolk and
25 Western. That is the list of connecting carriers,
26 both traffic from or via Canada or to or via Canada,
27 is that right?
28

29 A. Yes that is right.
30



1 Q. Now, the total for the top
2 chart of from or via Canada or the United States is
3 52 -- I am rounding -- if there is any problem with
4 my rounding I stand to be corrected -- 52,000 cars,
5 two and a half million tons and \$40,000 made in
6 Canadian Pacific revenue, in gross revenue.

7
8 A. Forty million.

9 THE CHAIRMAN: Forty million.

10 MR. CHALMERS: Yes, thank you, I am
11 obliged.

12 Q. And the connecting carrier
13 with which the interchanges are made has the largest
14 numbers on the top half of the chart on the left side
15 is the Chessie. That is the Chessie System, is it?
16

17 A. Yes sir, correct.

18 Q. And it apparently -- in 1976,
19 it had 21,000 of the 52,000 cars, a million of the
20 two and a half million tons and eighteen million of
21 the forty million revenues. So is that -- what I
22 want you to say is what is the proportion?
23

24 A. Well as I mentioned earlier,
25 that certainly graphically illustrates that they are
26 the largest single railway with whom we interchange
27 traffic at the Detroit/Windsor Gateway.

28 Q. And do you happen to know in
29 '76, was it a typical year or an untypical year?
30



1 For as far as those proportions are concerned?

2 A. A typical -- it would be a
3 typical year within a recent time span, five years.

4 Q. And to be completely frank, is
5 it a fact that some of that Chessie interchange
6 commodities do you know, and I don't know if you
7 know, but are they commodities that can come through
8 the tunnel or cannot?

9
10 A. The majority of that traffic
11 does come through the tunnel. The only traffic that
12 does not that is delivered or we deliver to the
13 Chessie are loads that exceed the dimension of
14 the tunnel. In other words, these loads could not
15 clear the tunnel and these of course have to be
16 ferried across the Detroit River.

17
18 Now those loads are given to the
19 Norfolk and Western to perform the service of
20 bringing it across the river to us and then we take
21 it from there. Those are the dimensional loads in
22 the jargon of railroading.

23 Q. In terms of revenue, do I
24 see -- well, I will just read these out: the Detroit,
25 Toledo and Ironton interchange is 7,600,000; Conrail
26 7,400,000; Norfolk and Western itself 7 million and
27 the carriers are different -- the Conrail cars are
28 only 8500. The Detroit, Toledo and Ironton cars are
29
30



1 11,000 and the Norfolk and Western cars, 11,000, and
2 the tonnages for Conrail, 460,000, D.T.&I. 600,000,
3 590,000, the Norfolk and Western 400,000.

4 Is the Norfolk and Western traffic
5 all on those little boats we see out the window?

6 A. Yes.

7 Q. And the D.T.&I. traffic is
8 carried how, do you know?

9 A. Through the tunnel.

10 Q. Through the tunnel; and Conrail?

11 A. Through the tunnel.

12 Q. All right.

13 Now, the traffic coming to or via
14 Canada from the States, the figures, the totals are
15 relatively similar and I'm not going to ask the
16 witness if I can read to save time. The sub-totals
17 on the bottom half of the graph are to or via Canada
18 from the States are 64,000 cars, 2,400,000 tons and
19 37 million dollars in CP revenue of which 27,000 cars,
20 1,100,000 tons and \$16,400,000 CP revenue, that is 16,000
21 out of 36,900 are more than half where I come from
22 are interchanged with the Chessie going to Canada,
23 to or via Canada from the United States imported
24 goods, whether they are going to be exported again
25 or not. Is that proportion characteristic of
26 approximately half of the imported goods exchanged
27
28
29
30



1 here?

2 A. In recent years that is
3 typical, yes.

4 Q. And just to heed the Chairman's
5 request I will cover the other three of the other
6 railroads and frankly I have left out the Detroit,
7 Toledo Shore Line, Mr. Chairman.
8

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F-1

NG-eg

1 Conrail 11,000 cars, 373,000 tons, \$6½ million,
2 CP revenue. DT & I, \$12,000, 427,000 tons,
3 \$6,200,000 CP revenue. And N&W 13,000 cars;
4 535,000 tons and \$7,700,000 CP revenue.
5

6 Excuse me. Now have you anything to
7 add as to the quantitative significance of Canadian
8 Pacific's business through the Detroit/Windsor
9 gateway or the quantitative significance of the
10 interchange with Chessie at that gateway?

11 A. I think I should make a point
12 that railways do not route freight, the routing of
13 freight is the prerogative of the user of the
14 service.
15

16 The reason for the heavy preponderance
17 for Chessie is that a shipper or a receiver has
18 elected to route his freight via Chessie and CP
19 Rail. There may be connections on either side of
20 those carriers depending upon the geographical
21 location of the shipper and receiver. But
22 generally, and in the majority of those figures a
23 shipper or a receiver has routed it by Chessie-CP
24 Rail and there are various reasons why they would
25 select a combination of Chessie and CP Rail. And
26 probably the most significant thing that the user
27 of any transportation service would weigh first is
28 transit time or the service component of the product.
29
30



Watson, dr.ex.
(Chalmers)

F-2

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And obviously those numbers show that more shippers and receivers have selected the Chessie-CP Rail route than any others and it is one of the reasons it is a service. The price by the way is the same via any carrier, any rail carrier. Rates are set by law under Statutes or Acts of both Canada and the United States, and are governed by governing bodies in the United States. So price, although a factor, is not a highly competitive factor. It's really the service and the equipment part of the products that are the controlling factors with service being the overriding factor.

15

16

17

Q. Now we will come back to that point. But to pass now to the right hand chart --

18

19

20

21

COMMISSIONER WOODARD: Mr. Chalmers, if I could ask one question just for clarification. I do not intend this to be cross-examination of the witness by any means.

22

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Is there not a possibility of duplication of these figures on the first chart? What I am concerned about is, as I understood Mr. Watson's explanation, the top part of that chart would cover to some extent at least, traffic in bond from the United States through Canada and then up into Northeastern United States. Am I right?

THE WITNESS: Yes, it would, sir.



F-3

1 COMMISSIONER WOODARD: Now the bottom
2 half of your exhibit, could not that also apply to
3 traffic in bond from Northern United States, North-
4 eastern United States via Canadian Pacific back into
5 the States again?
6

7 THE WITNESS: Yes it does.

8 COMMISSIONER WOODARD: Is there not a
9 possibility of duplication or have you divided it
10 up by directions?
11

12 THE WITNESS: It's divided by
13 directions. The simple basis would be deliver to
14 connections or received from connections at the
15 Detroit/Windsor gateway. Now granted some of that
16 traffic was received at Detroit/Windsor, carried
17 through Canada and delivered, say, to Boston, Maine,
18 Wells River, Vermont. It would not be counted again
19 as a delivery at Wells River, it would only be
20 dealing with one gateway.
21

22 MR. CHALMERS: Q. One half is eastbound
23 and the other half is westbound?

24 A. Yes, that's basically it.

25 COMMISSIONER WOODARD: That's fine.

26 MR. CHALMERS: Q. Which half is
27 which?
28

29 A. The top chart would be
30 westbound and the bottom chart eastbound.



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COMMISSIONER WOODARD: That's fine,
that answers my question then, Mr. Chalmers. Thank
you.

MR. CHALMERS: Thank you.

Q. Now the top half of the second
chart, the right hand side I take it, Mr. Watson,
shows traffic interchange in the Detroit/Windsor
gateway in 1976, which is from or via Canada to the
United States. Is that top half all westbound
traffic?

A. Yes, it is.

Q. Is it all the connecting
carriers or just Chessie?

A. All connecting carriers.

Q. Now, apart from whatever
proportion was in bond this is a portion of the export
trade of Canada, is it?

A. Yes, the bulk of it is
traffic that originated in Eastern Canada, Ontario,
Quebec, the Maritimes and destined to points in that
geographical area that I noted earlier in the United
States.

Q. According to this chart the
subtotals are, that are indicated there, were in '76
there were 52,000 cars of this primarily export
trade going by CP through the gateway; \$40 million of



Watson, dr.ex.
(Chalmers)

F-5

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CP revenue and 2,500,000 tons of various commodities.
The largest figure you appear to have here is
20,000 cars; 1,100,000 tons and \$19 million CP
revenue for pulp, newsprint and paper.

Do you know if that proportion is
typical?

A. It is.

Q. And is that interchange
specifically with one or the other connecting
carriers other than Chessie or with them all?

A. Interchange with all of them.
Probably an exception might be the Detroit Toledo
Shore Line but certainly interchanged with the
other four.

Q. The Detroit Toledo Shore Line
is the line that I frankly did not read out the
figures of, they are quite small.

And the next one appears to be headed -
Other Manufactured Products - with 11,000 cars;
336,000 tons; and \$6 million CP revenue. That's
the other manufactured product. Now does that mean
that Canadian manufacturers are selling goods to
the States or something else?

A. Yes, that's what it means.
These are semi-finished or finished goods produced



F-6

1 in Canada and sold in the United States.

2 Q. Let me drop back to the pulp,
3 newsprint and paper. Where is that coming from
4 and going to? Can you help me?

5 A. Yes, that commodity originates
6 at various manufacturing facilities, Ontario, Quebec
7 and the Maritimes. Pulp is the commodity from
8 which paper is made. Newsprint speaks for
9 itself and paper would be paper other than
10 newsprint.
11

12 By the way, these classifications
13 are by the, what we call, a 69 -- this a
14 condensation of 69 commodity groups that we
15 with
16 classify traffic in accordance / the requirements
17 of Statistics Canada and I think the Minister of
18 Transport or whoever laid down or approved of these
19 classifications. And all railways in Canada
20 classify their commodities by these 69 groups.

21 Q. The second half of my
22 question was, do you know where the pulp, newsprint
23 and paper are going?

24 A. Yes, of course primarily to
25 printers in the northern tier of the United States,
26 the central northern tier of the United States. Of
27 course there are exceptions to that but generally
28 it goes in the area of Ohio, Indiana, Illinois,
29 Iowa, that general area.
30



F-7

1 Q. Now the \$6 million of revenue,
2 the 336,000 tons, 11,000 carloads of manufactured
3 goods exported from Canada is coming from where and
4 going to where? Do you know?

5 A. Well, the same general area
6 that I am speaking of. The goods again would
7 originate in Eastern Canada. I say Eastern Canada,
8 again that comprises Ontario, Quebec and the
9 Maritimes.
10

11 There is also off-shore traffic in
12 here, container traffic moving by Eastern Canadian
13 ports, primarily Montreal and Saint John and
14 Quebec City. This is trade from Europe both ways.
15

16 Q. The other way we will come to
17 shortly. And where is it destined in the United
18 States?

19 A. Again many geographical
20 points. If you want me to give you a specific
21 example, Scotch whiskey from Scotland to Chicago.
22

23 Q. And the next largest heading
24 in tonnage, you have heard of the autos, trucks and
25 parts moving from Canada, from or via Canada to the
26 United States. Where are they coming from and
27 going to?

28 A. I can pinpoint the origins
29 here very easily. These are from automotive assembly
30



F-8

1 plants located in Oshawa, Ontario and Oakville,
2 Ontario and Ste. Therese, Quebec. These are
3 primarily finished autos and trucks and, of course,
4 there are some parts. It is all from Canadian
5 plants.

6 Q. Reverting to the manufactured
7 products, have you got at your fingertips any chance
8 examples of Canadian manufactured products and where
9 they come from in Canada and where they are going to
10 in the United States? Your example was international
11 trade in Canada, shipping Scotch whiskey through
12 Canada to the United States.

13 A. Another example of other
14 manufactured products would be farm machinery, farm
15 combines and this sort of thing, steel.

16 Q. Farm machinery would come
17 from where? Where would it originate?

18 A. Hamilton, Ontario and Brampton,
19 Ontario to various destinations in the midwestern
20 part of the United States.

21 Q. Now your next largest heading,
22 I believe, is the very general heading - Other Mine
23 Products. \$4 million CP revenue; 4500 carloads;
24 350,000 tons. As a matter of fact, in tonnage it is
25 the No. 2 commodity on there. What are the other
26 mine products? The substance which you mentioned a
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F-9

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minute ago that competed with felspar, is that --?

A. Yes, that's one. This traffic is ores and ore concentrates originating in Northern Ontario for example. Asbestos from Quebec, cyanite, as I mentioned earlier, from Ontario, these would be some. Well I see asbestos is listed there by itself so crude asbestos would not be another one of the products. I do not have the list of commodities with me, perhaps I should have, I can give you --

Q. No, it's all right. I want to get a general picture on the record of where goods are coming from and going to through the Detroit gateway. This is probably sufficiently complete even given the Chairman's requirements.

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Q. Do you have -- yes. You have an addition you mentioned just a moment ago, crude asbestos. That is coming from the Quebec Asbestos Mines, is it?

A. Yes, totally.

Q. Into what, the Midwest?

A. Into that area, yes. Quebec asbestos moves in a much broader area. It moves as far as the west coast of the United States.

Q. Through this gateway?

A. Through this gateway, yes.

Q. And the figures on that, if I were asked to read them, is crude asbestos the cars are 1,756,000, the tonnage is 97,500 tons and the CP revenue is \$1,800,000.

Now the next one of a similar dimension is another catchall heading of Metals and Products for 2500 cars, 160,000 tons and \$1,800,000 of CP revenue. Now what are the metals and products? Obviously I take it they are not other mine products, are they?

A. No. These are semi-manufactured or manufactured goods. Steel plate.

Q. Yes?

A. And structural steel and this sort of thing that the steel mills of Eastern Canada



1 sell to people in the United States.

2 Q. And how far into the United
3 States do they go through the gateway?

4 A. That is not as broad an area
5 as say the asbestos. That would be confined to the
6 heavy industrialized areas of Pennsylvania, Ohio,
7 Michigan.
8

9 Q. Now the next ones are smaller
10 and I will certain read them off. Iron ore and
11 pellets, 1100 cars, 102,000 tons and \$1 million of
12 CP revenue. Where is that coming from and going to?
13

14 A. In 1976 there was a movement
15 of iron ore pellets from the Hilton Mines in Ontario
16 down into the Pittsburgh area. It is just what the
17 name implies.

18 Q. Are you telling the Commission
19 that this is something peculiar to 1976?

20 A. Yes. The mine is now out of
21 operation.
22

23 Q. Thank you. And the next one is
24 Forest Products. 1,000 cars, 36,000 tons and
25 \$600,000 CP revenue. Does this overlap with pulp,
26 newsprint and paper?

27 A. No. This commodity, forest
28 products, consists primarily of lumber, dimensional
29 lumber, wood veneers. That is the bulk of it and
30



1 these products are produced again in that eastern area,
2 eastern Canadian area that I outlined and sold through
3 that general geographical area or transported to the
4 general geographical area outlined earlier.

5 Q. And a small heading, the top
6 line is 157 cars, 8,000 tons and \$172,000 to CP
7 revenue. Farm and animal products. What are those?
8 Live animals or what?
9

10 A. Well that would consist
11 primarily of animal hides and tallow and some seed
12 grains in very small quantities. You see, it is not
13 a significant amount.
14

15 Q. Yes?

16 A. It would be primarily hides,
17 tallow and that sort of thing. I don't think there
18 is much grain -- Canada doesn't sell much grain in
19 the United States and I think they produce enough
20 themselves.

21 Q. All right. Now have you
22 anything to add on the top part of the right hand
23 chart before I pass to the lower part? Is there
24 anything that you would like to make clear to the
25 Commission about that?
26

27 A. Obviously the bulk of that is
28 traffic produced in Canada, in Eastern Canada that
29 these people have sold to customers in the United
30



1 States. Again in that large geographical area that
2 I mentioned earlier. The largest being the pulp,
3 newsprint and paper and, by the way, the Eastern
4 Canadian producer of newsprint competes with producers
5 of the same product in the southern part of the United
6 States and here again I think I should mention that
7 transit time plays an important role, a very important
8 role, in allowing, or helping is a better word, the
9 Canadian producer to compete in the same markets that
10 the southern producers of newsprint work in and it is
11 a matter of inventories again.
12

13 Q. Yes. Now passing to the
14 lower ---
15

16 THE CHAIRMAN: Mr. Chalmers, I think
17 that this would be an appropriate time to take a ten
18 minute adjournment.

19 MR. CHALMERS: Thank you.

20 THE CHAIRMAN: We will adjourn for
21 ten minutes.
22

23 THE HEARING PROCESS OFFICER: Everyone
24 rise please.

25 --- Brief recess

2 26 --- On resuming

27 THE HEARING PROCESS OFFICER: Order
28 please.

29 THE CHAIRMAN: Please be seated.
30



1 Continue Mr. Chalmers.

2 MR. CHALMERS: Thank you.

3 Q. To clear one thing up, the
4 right hand column on both pages 1 and 2 of Exhibit
5 CP-B is headed CP Revenue. Is that gross revenue or
6 net profit or what is that term?
7

8 A. That is gross revenues. That
9 is our portion of the revenues received for the
10 services performed. It doesn't include the cost of
11 that service or wages or salaries -- wages or salaries
12 or benefits is about 60% of that amount. Somewhere
13 between 50 and 60 percent, so it's a gross figure.
14

15 Q. Thank you. Now I just asked
16 you if you had anything more to say about the top
17 portion of sheet 2 of CP-B, sheet 2 being the
18 commodities taken through the gateway from or via
19 Canada to the United States in '76 and you have taken
20 us through the lines and by and large explained or
21 have given examples of where goods are coming from
22 or going to.
23

24 Have you anything more to say on that
25 export path of sheet 2?

26 A. Well I think what basically
27 I am saying obviously by one mode of transportation,
28 a Canadian mode of transportation, there are a great
29 deal of Canadian products, goods moving through the
30



1 Detroit/Windsor gateway. It certainly could be larger
2 because as the Canadian economy or Canadian producer
3 prospers so do we. I guess that is really what it is
4 all about.

5 More sales, more products, more jobs.
6 You did ask me earlier about the significance to the
7 Canadian economy. That would be my view of it; that
8 it represents the very "whoof and warp" of the
9 Canadian economy, of Canadian manufacturers of all
10 sorts producing goods with Canadian labels on them,
11 selling them in world markets and the transportation
12 system of Canada and moving those goods to those
13 markets. The more we move the better for everybody
14 including CP Rail, but basically the Canadian
15 economy.

16 I have been with the company 30 years
17 and I have seen the figures of freight we haul move
18 from a majority of freight coming to Canada reversed
19 and the majority of freight going to the United States
20 and this certainly is some indication of the
21 expansion of Canadian trade and commerce since World
22 War II. It has been quite a significant shift.

23 Q. Now going to the other side of
24 that trad then, the bottom half of sheet 2 ---

25 Incidentally, Mr. Chairman, this chart
26 may be hard to see. I certainly have no objection
27
28
29
30



1 whatsoever if members of the public move up to the
2 counsel table in the middle of the room.

3 THE CHAIRMAN: I think, Mr. Chalmers,
4 we have now made arrangements to have copies of the
5 exhibit made and they are being distributed.

6 MR. CHALMERS: That is also being done
7 at the Windsor Yard for this exhibit but that's fine.

8 THE CHAIRMAN: Well I would have
9 suggested turning the exhibit around on the board
10 except that I don't think the members of the public
11 could see it anyway because of the smallness of the
12 print.

13 MR. CHALMERS: That's right. We knew
14 what we were getting into in terms of the easel
15 accommodation but I am sorry that they can't see it
16 and this is why I made the suggestion.

17 Now on that subject (and I apologize
18 to the witness for going on to something else), I
19 believe the exhibits which the next witness has --
20 I believe there are six copies and we are having
21 additional copies made. We hope shortly, possibly
22 in time for his evidence, to have 20 copies rather
23 than six of those exhibits which can be reproduced
24 here in Windsor.

25 There are plans and that sort of thing,
26 some of which there is a difficulty going beyond the
27
28
29
30



1 six, which is three for yourself, sir, one for your
2 counsel and one to be posted and one for me.

3 THE CHAIRMAN: Well behind the scenes,
4 Mr. Chalmers, I suggested 20 because that would be
5 enough to supply us and the people who filed formal
6 appearances.

7
8 MR. CHALMERS: I realize that's the
9 figure I had in mind too, but I am afraid I had in
10 mind doing it by mail but I certainly will do every-
11 thing I can to get 20 copies as soon as I can of all
12 of the exhibits.

13
14 There are some exhibits of the second
15 witness that our facilities for reproducing them
16 don't come closer than London and there may be ---

17 THE CHAIRMAN: Well, you know, you
18 do the best you can ---

19 MR. CHALMERS: I certainly will.

20 THE CHAIRMAN: We can't do more than
21 that.

22
23 MR. CHALMERS: I certainly will. I
24 want to do everything I can. I realize that we are
25 trying to give the fullest hearing we can and I want
26 to co-operate.

27 Q. Coming then to the bottom half
28 of sheet 2 of Exhibit CP-B, the import half, the goods
29 coming to or via Canada to the United States, I see
30



1 that the sub-totals for that half are 64,000 cars,
2 2,400,000 tons and \$37 million to CP revenue and the
3 largest single item is the third line from the bottom,
4 Autos, Trucks and Parts for 26,000 cars, 669,000 tons
5 and \$15 million.

6 Now where are those coming from and
7 where are they going to, do you know?
8

9 A. These are primarily auto parts
10 that move to the Canadian assembly plants to make
11 automobiles and trucks. There are some models of
12 automobiles and trucks that aren't produced at
13 Canadian plants. There are not many but that would
14 comprise the autos and trucks but the bulk of that is
15 parts moving from various points in the United States.
16 Body parts from points in Michigan for example, going
17 to Oakville and Oshawa and St. Therese to be used for
18 putting together automobiles which are then of course
19 shipped back out again and maybe right back to the
20 United States after being assembled in Canada.
21

22 Q. I see, and the next largest
23 dollar revenue amount is rather generally titled,
24 bottom line, Other Manufactured Product 18,000 cars,
25 729,000 tons and \$10 million of CP revenue.
26

27 Can you help the Commission as to waht
28 that consists of and where it's coming from and going
29 to?
30



H-1

PCeg

A. A great many manufacturer

products that run all the way from a child's toy
to a bulldozer.

Specifically, there is a movement of
construction machinery, bulldozers, that sort of
thing, from Peoria, Illinois to points in Eastern
Canada, Montreal, Toronto, et cetera, heavy
construction material.

That is, dimensional loads are quite
huge and some of them would go through the tunnel.

Q. I see. And the next line in
size of numbers is the second line Other Farm and
Animal Products, 5400 cars, 280,000 tons and
\$3,700,000 of CP revenue.

What does that consist of, in general,
and where was it coming from in 1976 and where was
it going to?

A. Some of this would be farm
products of a kind not grown in Canada. The first
one that comes to mind is soya beans and soya bean
meals. Soya beans are used for oil and they would
move from the central midwest States, Illinois,
for example, to processors, say, in Toronto. The
soya bean meal would move to manufacturers of
animal feeds. It is a component of animal feeds.
The bulk of the feed material would be supplied from
Canadian grains but soya beans are not grown in any



Watson, dr.ex.
(Chalmers)

H-2

1 quantity in Canada so they must be imported.

2 Cotton would be in there. There is
3 no cotton raised in Canada as far as I know.

4 Q. What Canadian destinations
5 would the soya beans and cottons and similar
6 products be going?

7 A. Again to Ontario, Quebec and
8 the Maritimes.

9 Q. I see.

10 A. I might add some of that is
11 what I termed earlier as overhead traffic going to
12 feed manufacturers in New England.

13 Corn is another product.

14 Q. Coming from where?

15 A. Coming from Ohio, Illinois
16 and Michigan and points in Ontario and Quebec and
17 also into the New England area.

18 Q. Yes. Now, the other headings,
19 and I believe the interveners now have copies, as
20 the Chairman has told me, all appear to approximate
21 between a million-three hundred thousand and \$2
22 million of CP revenue with appropriate numbers of
23 cars and tonnages.

24 There are food products, forest
25 products, other mine products, sand and stone and
26 fruits and vegetables. Well, fruits and vegetables,



H-3

1 are these refrigerated?

2 A. Yes, they are. Perishable
3 goods, the general classification, well, they are
4 fresh fruits and fresh vegetables originating in
5 California, Arizona and New Mexico, Texas and
6 Florida and this runs, the fruit, citrus fruits and
7 vegetables, most any vegetable you care to mention --
8

9 Q. Coming to what markets?

10 A. Coming to primarily the
11 markets Toronto and Montreal. These would be the
12 large receivers of perishables but certainly some
13 of this traffic comes right here to Windsor for
14 example and to Ottawa and other points as well.
15

16 Q. Now, the third item is sand
17 and stone. Where is that coming from or to?

18 A. That consists of silica sand
19 which is used in the manufacture of glass and that
20 originates in central Illinois and by the way, moves
21 in very large quantities, almost train load lots, through
22 the Detroit/Windsor gateway to glass manufacturers
23 in Toronto and Montreal.
24

25 Q. It is the raw material again?

26 A. It is a raw material, yes.

27 Q. For Canadian manufacturers?

28 A. For Canadian manufacturers,
29 that is correct.
30



H-4

1 Q. Now, the other ones, the
2 other mine products, forest products, food products,
3 appear to be on the face Miscellaneous. Is there
4 anything different about their movement from what
5 we have told the Commission about the other
6 movements?

7 A. No. Substantially, no.

8 Q. Now, looking at the total
9 picture on sheet 2 of Exhibit CP-B, of the movement
10 eastbound and westbound, of the commodities listed
11 there, is there any significance -- is there any
12 significance, at this point in Canadian economic
13 history, to these apart from any other point in
14 Canadian economic history?
15

16 A. Yes. I think I mentioned
17 earlier, overall I have seen, at least from the
18 business that CP Rail handles, I have seen a swing
19 from Canada as the major importer from the United
20 States to a major exporter to the United States.
21 We are talking about economic significance.
22

23 Q. Just the present economic
24 condition of Canada, does that affect the
25 significance of this traffic?
26

27 A. Certainly.

28 Q. In what way? And what about
29 the economic condition affected and in what way?
30



H-5

1 A. It affects -- if Canadian
2 manufacturers or producers cannot sell their goods
3 or are not competitive in world markets, the
4 United States being part of that world market, they
5 cannot sell. That means that they are not producing
6 as much or to plant capacity for example, and
7 obviously we are not moving a share of that.
8

9 Q. How about Canada in 1976 or
10 1977. Is there any significance particularly to
11 our condition in those years of this traffic?

12 A. Well, I think -- I do not
13 fully understand what you are asking but I will try
14 to answer it this way: That our business is totally
15 dependent upon the health of the Canadian economy
16 and that would apply to any transportation mode. If
17 the goods are not being produced to move, obviously
18 you cannot move them.
19

20 Q. Well, is it any more or less
21 important to the Canadian economy as it is at the
22 moment unhealthy?
23

24 A. Yes. We are not moving goods
25 in the amount this year that we were moving
26 particularly by this gateway that we were moving last
27 year or in 1974.

28 This 1976 I term personally as a
29 recovery year from, and I do not like to use the
30 word "recession" -- I do not think it is a fair word --



H-6

1 from the economic slow down experienced in 1975.
2 Certainly the 1976 level was not the 1974
3 level nor will this year be the 1974 levels.

4 Q. Well, in 1977 I take it from
5 your answer, that we are in some sort of recession.
6 Does that render this international trade,
7 more or less significant?
8

9 A. Well, international trade,
10 trade, as far as CP Rail is concerned, we derive in
11 gross revenues about one-third of our revenues for
12 movement of goods between Canada and the United
13 States.
14

15 Q. Well, let's get back to the
16 Windsor/Detroit gateway as such. Now, I appreciate
17 in evidence you are not a railway operating man but
18 is there any -- is there any - sorry, is the
19 operation of Canadian Pacific at the Windsor/Detroit
20 gateway satisfactory to you as a marketing man?
21

22 A. It is never satisfactory. I
23 will get back to my earlier remarks, service is a
24 very important component of our product. I think I
25 covered the reasons why. The prime one being the
26 cost of holding inventories and I might say the
27 ideal way to move, from a producer's standpoint,
28 is to receive a carload of commodity and put it
29 directly from the carload into further processing
30



H-7

1 or to a consumer point. In other words, the ideal
2 situation is no inventories. Inventories are
3 expensive. They take space in warehousing. There
4 is extra handling and these are all costs which
5 must ultimately be passed on to the consumer, you and
6 I.

7
8 To remain competitive in various
9 markets, as I mentioned earlier newsprint, we
10 must help, indeed, we have an obligation to the
11 Canadian producer to move his goods as expeditiously
12 as possible. We are a common carrier and the reason
13 that burden is placed upon us is that Canadian
14 producers must be able to compete in world markets
15 and the transit time is important because of the
16 added costs of warehousing and extra handling. The
17 automotive companies are a prime example of taking
18 parts. For example, they take body components
19 almost directly from a freight car onto the assembly
20 line. They were the ones that really pioneered this
21 concept of reducing costs of high inventory and
22 extra handling. Therefore, it becomes incumbent
23 upon transportation, the transportation people of
24 Canada, including CP Rail, to remove goods
25 consistently and expeditiously within a time frame
26 and if you cannot do that you are not going to get
27 the business.
28
29
30



H-8

1 Q. Well, are you able to give
2 that consistency of service in the Detroit/Windsor
3 gateway?

4 A. No. This has been one of the
5 problems.

6 Q. And from a lay point of view
7 within the railroad, why is that? What is your
8 answer to that as a marketing man?

9 A. I have asked that question
10 a good many times over a span of years. In the
11 deficiencies of the product and in particular the
12 product that we put through the Detroit/Windsor
13 gateway and the answer that I have been given is
14 that the Windsor yard is small. It does not have
15 the capability to handle expeditiously the growth
16 that we have experienced and of course, that would
17 imply the growth of the Canadian economy.
18 Personally I do not know how they put the traffic
19 through the yard that they do and we must find
20 some way to alleviate that pressure to move goods
21 expeditiously.
22

23 Q. Well, I take it from your
24 evidence you make efforts to sell CP Rail's freight
25 through
26 service/ the Detroit gateway, notwithstanding this
27 difficulty?
28

29 A. Oh, you bet! Our job is
30



H-9

1 to sell products and if we cannot sell we have got
2 to tell someone why we cannot sell.

3
4 Q. From time to time do you have
5 some success in doing that?

6 A. You bet.

7 Q. And you have told the
8 Commission already that you cannot give the
9 consistency of service you would like. Well, what
10 is the result of the inability that you have already
11 given evidence about, to give consistency of service?
12

13 A. The first thing that happens
14 is we cannot fulfill a customer's need, a transpor-
15 tation need. It will go to a competitor who can.
16 If they cannot meet the transportation parameters
17 the business is lost to that producer.

18 Q. And what is the nature of
19 the development that you would like to see at Windsor
20 in order to obtain this business if you could get it?
21

22 A. Well, the one thing in
23 pinpointing out these service problems of traffic
24 through this gateway, a number of years ago we pin-
25 pointed the problem within the yard. Now, generally
26 railways can move goods competitively with, say,
27 the highway carrier between terminals.
28
29
30



I-1

NGwg

1
2 It could move over the road at speeds consistent
3 with the highway carrier. Because we have our
4 problems and it is inherent in the nature of
5 railroads that we have our problems in terminals.
6 Getting cars in, reclassified, and out of terminals,
7 this causes a delay.

8
9 So one of the answers is to keep cars
10 out of terminals. And the way you do that is by
11 working with connecting carriers to establish what
12 we call, "run throughs". And basically a "run
13 through" train service as explained to me by our
14 operating people is avoiding putting trains into
15 terminals or yards.

16
17 The answer to the specific problem
18 here was to find a carrier who would work with us
19 in establishing a "run through" service. We
20 found that carrier in Chessie and we established
21 a "run through" service, and part of that making
22 that whole thing work was the Powell Siding
23 primarily to keep that freight out of the
24 congestion of the Windsor yard.

25
26 Q. And before we pursue that,
27 speaking of consistency of service, one particular
28 problem, is there any particular consistency of
29 service that's exacted of Canadian Pacific for
30 any particular product coming from the Southwestern



1 States?

2 A. Time sensitive goods,
3 probably the most time sensitive of all goods are
4 perishable products, products that have a short
5 life, a head of lettuce or orange for example.
6

7 Q. Do you have any time limit
8 on you, time constraint on you that would affect
9 you commercially in getting those goods, say, from
10 California?

11 A. Yes, we do.

12 Q. What is it?

13 A. The time constraint is the
14 marketplace.
15

16 Q. What does the marketplace
17 exact? Is there an hour figure or perhaps you
18 cannot reduce it to that, I do not know.

19 A. The marketplace in Montreal,
20 I will take Toronto as the closest to here, the
21 Toronto marketplace demands that we lay down goods
22 originating in Northern California on the sixth
23 morning, and that's early on the sixth morning to
24 meet the early morning market.
25

26 Now it can be done quicker, it can be
27 done by highway carrier in probably 24 hours less
28 but there is a higher cost to that. There is a
29 premium service and they pay more for it. The
30



1 railways can move it in larger quantity than a
2 truck. It moves it in refrigerated cars that keep
3 the product fresh while in transit. But when you
4 get beyond the sixth day the product starts to
5 deteriorate. And if you cannot provide that type
6 of service you just do not handle the commodity.
7 Someone else is going to handle it. And if someone
8 else cannot do it it won't move or it will move,
9 say, the extreme move by airfreight which would
10 make the cost of the product exorbitant. I
11 could not afford to buy it.
12

13 Q. And have you any more to say
14 on how the Powell Siding is related to that
15 requirement for consistency of service?
16

17 A. In avoiding the congestion of
18 the Windsor yard, the Powell Siding in connection
19 with the run-through is to produce a situation
20 where a westbound train met an eastbound train, the
21 crews crossed over from one train to the other and
22 they moved on and in a minimum of time.
23

24 As far as I am concerned I would like
25 to see that exchange done in five minutes, that
26 means better service. I do not know if that's
27 practical or not but I know it has been done in 25
28 minutes.
29

30 Q. From the point of view of



1 marketing and sales of Canadian Pacific what is
2 your attitude to anybody wanting to store cars on
3 the Powell Siding?

4 A. Absolutely opposed to it,
5 that's not the reason for the operation. The reason
6 for the operation is to reduce the time to an
7 irreducible minimum. And to me five minutes is an
8 irreducible minimum, just as long as it takes the
9 men to walk from one train to another and to get it
10 moving again. Time is of the essence here for many
11 of the reasons that I outlined.
12

13 I have heard that referred to as a
14 marshalling yard, that's 180 degrees from what it's
15 intended to be if it ever can get to work properly.
16

17 Q. Now what are the alternatives
18 to moving this freight by CP Rail in conjunction
19 with an American route through the Windsor/Detroit
20 gateway? First of all, what are the railroading
21 alternatives for the shippers and consignees of
22 the freight described on sheet 2 of Exhibit CP-B?
23

24 A. The railroading opportunities
25 are giving the traffic to another railway to a
26 competitor, Canadian National. Probably if we
27 were to lose a substantial share of this business
28 because we could not provide this service Canadian
29 National could. They could not take all of it,
30



1 they just do not have the capability for taking it
2 all. Some of it would move to the highway.

3 Q. Let's stay with Canadian
4 National for a minute. Where would Canadian
5 National take it to?

6 A. They would take some of it
7 through here as much as they could handle through
8 here within their physical limitations; or they
9 would take it up to Port Huron and Sarnia within
10 the physical limitations of that operation. I do
11 not think they could, they certainly --

12 Q. I was just going to ask you,
13 and for the sake of the Commission, how familiar
14 are you with the extent of their capacity and so
15 on?
16

17 A. Generally.

18 Q. Presumably there are some
19 limits they reach sometimes?

20 A. Certainly, there are limits
21 just like we have.

22 Q. And then you were passing on
23 to the highway transportation?

24 A. Yes, some of this, of course a
25 great deal of it is now on the highways. And if
26 we could not perform a service and keep improving
27 that service to meet the demands of the marketplace
28 we would not handle it. It would be shifted to some
29
30



1 of the good motor carriers who would certainly be
2 a likely candidate. And they would have to pick up
3 the burden by operating more trucks.
4

5 Q. Why?

6 A. Well, here they come over the
7 International Bridge through the streets of
8 Windsor and on up into Toronto and the markets east
9 of here.

10 Q. And CN runs through Sarnia,
11 what would that involve in Sarnia, do you know?

12 A. No, I do not know exactly,
13 but it would mean more traffic through that gateway,
14 more handlings, more trains, that sort of thing.
15 They would certainly have to make adjustments in
16 their operations to take the burden of the traffic,
17 it's not a burden, but in the sense of the handling.
18

19 Q. And if there are environmental
20 problems involved what would happen to them?
21

22 A. Well the environmental problem
23 would be shifted from here to someone else.

24 Q. In going through alternate
25 routes earlier you mentioned the Sault Ste. Marie
26 Bridge. Now how does that compare time-wise from
27 the sort of points of origin and destination you
28 were mentioning earlier in your evidence?
29

30 A In some cases it would be longer.



1 However that gateway, because of rate and route
2 restrictions, because it is a circuitous route,
3 the mileage is longer via that gateway than via
4 the Detroit/Windsor gateway. There is a security
5 rule which says we cannot establish rates and
6 routes within certain limitations. The area would
7 be smaller via that gateway, the area that could
8 be served via the Sault Ste.Marie gateway. It
9 just is not as direct.
10

11 Q. And you mentioned the Sarnia -
12 Port Huron gateway and CN. How does that compare
13 in terms of distance?
14

15 A. Obviously the further north
16 and from points south in the United States of
17 Detroit/Windsor it is further away and it's a longer
18 transit time.
19

20 Q. Are you prepared -- you
21 realize that you have to re-attend to be cross-
22 examined on a date to be named by this Committee
23 early in January?

24 A. I understand that, yes.

25 MR. CHALMERS: I am finished with
26 this witness, if the Committee Members have any
27 questions for him, he is at their disposal.
28 Otherwise he is excused until he is required to
29 attend again.
30



1 THE CHAIRMAN: We do not have any
2 questions, Mr. Chalmers. I think this would be a
3 convenient time for us to adjourn until two.

4 MR. CHALMERS: Thank you, sir.

5 THE CHAIRMAN: We will now adjourn
6 until this afternoon.

7 DR. HENDERSON: Excuse me, I just
8 wondered if I could ask a definition. I have heard
9 Mr. Watson describe "inventory". Does he mean by
10 that the material that is held for a long period
11 of time in cars in railway yards?
12

13 MR. CHALMERS: I will be glad to
14 put that question since it is my examination in
15 chief.
16

17 Q. Would you define what you
18 mean by the word "inventory"?

19 A. The context in which I was
20 using it, Doctor, was --

21 Q. Please address the Commission,
22 Mr. Watson.

23 A. I am using this in the context
24 of users of these various commodities holding them
25 at their place of business.
26

27 I will give an example of that of a
28 newspaper, holding large inventories of newsprint
29 on which to print the newspaper. You have to
30



1 remember that they have their money tied up in that
2 inventory, they have their transportation costs
3 tied up in that inventory, they have their costs
4 tied up in the building to house that inventory.
5 And it implies or indeed is another handling. It
6 has to be moved from the boxcar to storage, from
7 storage to where it is going to be used. That is
8 a cost to that producer. Hence the ideal situation
9 is to move it from the boxcar to the printing
10 press and you avoid all those costs.
11
12

13 It is a significant cost and I am
14 aware of it, so keenly aware of it because it
15 comes up so often when we are trying to sell our
16 services to a customer. We get into transit
17 time, the total lapse of time for consistency, can
18 we get it there at this time with a great deal of
19 consistency? I am not saying that inventories are
20 reduced to zero because they are not. By speedy,
21 consistent transit time inventories are reduced
22 considerably hence that individual's costs are
23 reduced considerably. That means he can get out
24 and compete with people who draw those goods from
25 closer sources.
26
27

28 It's a part of our selling to strive
29 to reduce inventory costs to shippers and receivers
30 through speedy consistent transportation.



1 Q. I am afraid my friend, Mr.
2 Hillmer, has mentioned one point that I omitted.
3 First of all, have you any estimate based on your
4 Corporate information, as the marketing man, of the
5 time you anticipate the Powell Siding would cut
6 from shipments from the States or to the States?
7

8 A. The original concept was 36
9 hours.
10

11 Q. What's the concept now?

12 A. Well, it certainly is not
13 anywhere near that. Business still goes through
14 the Windsor yard and is subject to --

15 Q. What's the present concept of
16 the Powell Siding which Canadian Pacific wants to
17 use, that's what this case is all about. If the
18 company could use it now would it save 12 hours or
19 36 hours or 40 hours or what?
20

21 A. Yes, it would certainly save
22 12, and hopefully 36. Here again the range
23 depends upon the origination and so forth and the
24 types of goods.

25 Q. Why does the amount of time
26 saved depend on the origin and the type of goods?
27 I mean if I am not getting beyond your competence
28 in railroad matters.
29
30



J.1
MJC/ko

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A. I guess it wouldn't. In a sense I was thinking of something else.

Q. Yes?

A. It would hopefully save 36 hours.

Q. I see, and in terms -- I asked you about comparisons between Windsor/Detroit gateway and the Sarnia/Port Huron gateway and the Sault Ste. Marie gateway and you gave evidence about overhead traffic that comes in from the States and out to the States.

How else could that be handled if Canadian Pacific/Canadian National don't get the business through these gateways?

A. Well it would be handled wholly by U.S. carriers. Say a car moving from Chicago, Illinois to Boston. It is moved totally by Conrail. We would hope to share in a portion of that haul from Detroit/Windsor to Newport, Vermont and would deliver it to another carrier.

Q. I see.

It has been suggested to me that this witness isn't aware that he might take the next plane back and he needn't come back to the Auditorium if that is satisfactory to the Commission.

THE CHAIRMAN: Yes.



J 2

1

MR. CHALMERS: You may go. Thank

2

you.

3

THE CHAIRMAN: He is excused until

4

next year!

5

MR. CHALMERS: Early next year!

6

--- Witness withdraws

7

THE HEARING PROCESS OFFICER: This

8

hearing is adjourned until 2:00 p.m.

9

10

--- Luncheon adjournment

11

12

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AA.1
MJC/ko

1 --- On resuming at 2:00 p.m.
2 THE HEARING PROCESS OFFICER: Order
3 please.
4 THE CHAIRMAN: Please be seated.
5 MR. CHALMERS: I think your counsel
6 wanted to speak to me for a moment, sir.
7 May I proceed?
8 THE CHAIRMAN: Yes by all means.
9 MR. CHALMERS: George Nutkins please.
10 GEORGE A. NUTKINS, Sworn
11 THE HEARING PROCESS OFFICER: Would
12 you please state your name and spell it for the
13 record?
14 THE WITNESS: My name is George A.
15 Nutkins, N-u-t-k-i-n-s.
16 THE HEARING PROCESS OFFICER: And
17 your address, Mr. Nutkins?
18 THE WITNESS: And I reside at 35
19 Pine Grove Crescent in the City of London.
20 THE HEARING PROCESS OFFICER: Thank
21 you.
22 DIRECT EXAMINATION BY MR. CHALMERS:
23 Q. Mr. Nutkins, are you the
24 Superintendent of the London Division of CP Rail?
25 A. That is correct, sir.
26 Q. And did you join CP Rail in
27
28
29
30



1

1941?

2

A. Yes. I joined the company in

3

1941. That's correct.

4

Q. As a relief call boy?

5

A. As a relief call boy, that's

6

correct, sir.

7

Q. And in 1943 did you become a

8

fireman?

9

A. That's correct. 1943.

10

Q. And your war service in the

11

RCAF was from 1943 to 1945, is that correct?

12

A. Right. That's correct.

13

Q. And from '45 to '49 did you

14

combine being a fireman and taking certain University
of Toronto engineering courses?

15

16

17

A. Yes I did. I attended the

18

University of Toronto for a period of time and while
not attending I was working as a fireman.

19

20

Q. And rather than becoming an

21

engineer in another sense, in 1951 did you become a
Locomotive Engineer?

22

23

24

A. That's correct, sir.

25

Q. And in 1963, after 22 years

26

with the parades on the railway, did you become a
Road Foreman of Engines, Sudbury?

27

28

A. That's correct.

29

30



1 Q. And it will become important
2 later, so what is a road foreman of engines?

3 A. A road foreman of engines
4 main functions are to work in conjunction with the
5 locomotive engineer or, more correctly, the head end
6 crew, in the area of new techniques and training and
7 monitoring their performance.
8

9 In this capacity the road foreman of
10 engines normally reports to the superintendent for the
11 division out of which he works, and in addition for
12 technical assistance or reasons with the superintendent
13 of motive power on the region.
14

15 Q. Yes, and in 1964 did you come
16 Train Master at Toronto?

17 A. That's correct, sir.

18 Q. And was there some special
19 project which occupied your attention as Train Master
20 at Toronto?

21 A. At this particular time the
22 newly constructed Agincourt Yard was being opened in
23 Toronto and I was transferred to Toronto as Train
24 Master to assist in the process of familiarizing
25 crews with the use of the new facilities at Toronto
26 and do whatever I could in my line of endeavour to
27 make the opening of the yard run as efficiently and
28 smoothly as possible.
29
30



1 Q. And the yard duly opened in
2 due course, did it?

3 A. Yes it did.

4 Q. And then later in '64, in
5 August of '64, did you become Acting Assistant
6 Superintendent at London?

7 A. That's correct, sir.

8 Q. And in November of '64 did you
9 become Road Foreman of Engines at Smiths Falls?

10 A. That's correct.

11 Q. And in January of '65 (and
12 that seems to have been a short place in your
13 career), in January of '65 did you become Assistant
14 Superintendent at North Bay?

15 A. That is correct. I was only
16 at Smiths Falls for a very short period of time as
17 Road Foreman of Engines and was transferred to North
18 Bay as permanent employment as Assistant Superintendent.

19 Q. And in June of '66, 18 months
20 later, did you become Assistant Superintendent at
21 Chapleau?

22 A. That's correct, sir.

23 Q. And then after a space of four
24 years, in July 1970, did you become Assistant
25 Superintendent at Smiths Falls?

26 A. That's correct.

27
28
29
30



1 Q. And in December of '73 did you
2 become -- correct me if I am wrong -- but did you
3 become Superintendent of something called the Grand
4 River Railway/Lake Erie Northern Railway?

5 A. That's correct, sir. I was
6 appointed the Superintendent of the Grand River Railway
7 Lake Erie Northern Railways, plural, which are a
8 subsidiary operation of CP Rail.
9

10 Q. And where are they?

11 A. The head office is at Cambridge,
12 Ontario.

13 Q. Formerly Galt?

14 A. Formerly Preston.

15 Q. Formerly Preston ---

16 A. The office was in Preston.

17 Q. And that is where you worked
18 at that stage?
19

20 A. That is correct, sir.

21 Q. And in August '76 you became
22 Superintendent of the London Division of CP Rail,
23 your present job?
24

25 A. That's correct.

26 Q. And I take it you found your-
27 self concerned with the Windsor Yard, Powell Sidings
28 and all of that, is that correct?
29

30 A. Very much so, sir.



1 Q. But were you so concerned
2 previously?

3 A. Well ---

4 Q. In any way other than generally
5 as an employee of CPR, a senior employee of CP Rail?
6

7 A. No. I would say I would have
8 no responsibilities or certainly no contact with any
9 problems that may have existed prior to my appointment
10 at London in 1967.

11 THE CHAIRMAN: Was that '67 or '76?

12 THE WITNESS: I'm sorry, Mr. Chairman.
13 1976.
14

15 THE CHAIRMAN: Thank you.

16 MR. CHALMERS: Q. As the
17 Superintendent at London, what is the total territory
18 of which you are concerned?

19 A. As Superintendent at London,
20 Superintendent of the London Subdivision, I bear the
21 responsibilities for the operation of a territory
22 extending from the outskirts of Toronto through to
23 Windsor/Detroit which is our main line operations,
24 referred to as our main line operations. In addition,
25 I have responsibility on various branch lines, on
26 operations falling into the main line.
27

28 These branch line operations being a
29 branch line through Owen Sound, Ontario to Walkerton,
30



1 Ontario, to Teasewater, Ontario, all in the Bruce
2 Peninsula. A branch line operation to St. Mary's,
3 Ontario. From Woodstock to St. Thomas. From
4 Woodstock to Port Burwell and another line from
5 Hamilton through to Goderich, Ontario.

6 Q. Given those responsibilities,
7 how would you describe the proportion of your time
8 which you spend in Windsor, Ontario?
9

10 A. Not wishing to be flippant
11 at all, I must say I probably spend too much time in
12 Windsor, Ontario. When one considers the vastness of
13 the territory and my responsibilities, I have spent
14 as much probably but not properly the proportion
15 that it normally should be. I do spend more time
16 than I would normally or any superintendent would
17 normally spend at any one particular location on
18 his territory.
19

20 Q. Why is that?

21 A. The reason for this, sir, is
22 simply that Windsor, Ontario is I would say the most,
23 certainly the most important part of the London
24 Division.
25

26 It is the most important part because
27 of its position at the Detroit/Windsor Gateway. It's
28 the point where all traffic funnels to the gateway
29 from various locations on our Eastern Region or the
30



1 Canadian Pacific system as a whole.

2 It is also the point where traffic
3 from the United States, certain parts of the United
4 States, are funnelled through the same Detroit/Windsor
5 Gateway to the London Division to the various
6 connecting divisions and regions.

7 Q. And apart from that importance
8 is there any particular preoccupation which you have
9 in relation to Windsor?
10

11 A. Yes sir there is, sir. My
12 preoccupation really is to do whatever I can to try
13 to make the operation run successfully and certainly
14 to achieve a better operation than what we have been
15 able to achieve at this particular time.
16

17 Q. Now where in Windsor, at the
18 present time, does that operation have its focus?

19 A. The focus of the Windsor
20 operation I would say really primarily would be the
21 Windsor/Detroit tunnel, the Conrail tunnel.
22

23 This is probably the main access route
24 between the two countries.

25 Q. And when you come through the
26 tunnel towards Canada and get off -- I take it that
27 this is Conrail track, is it?

28 A. That's correct.

29 Q. When you get off the Conrail
30



1 track and onto what you will come to later which I
2 know is the Essex Terminal track where, in today's
3 railroading in Windsor, do you wind up? Where do you
4 find yourself?

5
6 A. On the London Division.

7 Q. On the London Division?

8 A. Yes.

9 Q. In any event -- well is Windsor
10 a terminal operation at this time?

11 A. Yes. I would term Windsor as
12 a terminal operation, yes.

13
14 Q. Yes and is that terminal in the
15 Windsor Yard?

16 A. Yes. The terminal, in railway
17 terminology, would be the Windsor Yard.

18 Q. And what is the state of that
19 Windsor Yard at the present time briefly in general
20 terms? We will come to it in more detail in a moment.

21
22 A. Well I probably shouldn't use
23 the adjective that comes to mind first, but I would
24 say that the conditions in Windsor Yard insofar as
25 operating railraod persons are concerned are very
26 critical and leave a great deal to be desired.

27 Q. What is the matter with it?

28
29 A. The basic problem, to put it
30 into as simple terms as I can -- I would say the main



1 requisite for a yard such as Windsor must be the free
2 flow of traffic into the yard and the free flow of
3 traffic out of the yard.
4

5 Q. And is that taking place?

6 A. No sir it is not. It is
7 certainly not taking place to my satisfaction nor to
8 the satisfaction of the people who I report to.

9 Q. Now I have in my hand four
10 copies of a diagram which I will provide others with
11 in a moment -- of a drawing bearing the legend CP Rail
12 Eastern Region London Division Mileage 11.2, Windsor
13 Subdivision, Windsor. It's a scale of 1 to 100 and
14 it recites that it was drawn in March of 1977.
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BB-1 1 Q. Is this a diagram of the
PCeg 2 Windsor yard?

3 A. Yes, that is correct.

4 Q. And was this drawn under your
5 supervision?
6

7 A. Yes.

8 Q. And direction?

9 A. Yes, by our Engineering
10 Department and by my direction yes.

11 Q. And is this another copy of
12 it that you posted up on the board for whoever can
13 see it, which I deeply regret it turns out not too
14 many people. I would be glad to re-position this
15 if it would assist .
16

17 Is this specimen on the board another
18 copy of the four items I have in my hand?

19 A. Yes, that is correct. That
20 is an identical copy.
21

22 Q. Thank you.

23 If I may tender this as Exhibit CP-C,
24 this drawing of the Windsor yard, plan of the
25 Windsor yard bearing yellow and red colours and
26 certain trackage as Exhibit CP-C.

27 THE HEARING PROCESS OFFICER: CP-C.

28
29 --- EXHIBIT NO. CP-C: CP Rail, Eastern Region,
30 London Division. Mileage
111.2 Windsor Subdivision,
Windsor.



BB-2

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MR. CHALMERS: I have one copy as the formal exhibit and a copy for each of the Commissioners and a copy for Commission Counsel and in the hands of the Commission. I would prefer to retain one.

Now, I have here three additional copies. It turns out the other copies I thought I had are copies of something else. We are in our usual difficulty and this can be reproduced I think in London.

Now, I will simply use this one if the Commission have no objection so it will serve a purpose.

THE CHAIRMAN: I wonder if it would be possible for Mr. MacDonald to put that copy, just for the moment, on that first table in case any member of the public would like to come up and have a look at it.

MR. CHALMERS: Thank you, sir.

THE HEARING PROCESS OFFICER: Yes, Mr. Chairman.

MR. CHALMERS: We did not know what the facilities were going to be.

I might say in this interval to the witness it makes it doubly important, Mr. Nutkins, that you refer, for the record, to tracks by number



BB_3_1

1 and identify the end of the yard by direction and
2 that sort of thing as you go through this.

3
4 Now, can you, sir, see it?

5 A. Yes. I may have some
6 difficulty from this position.

7 Q. Well, there is an area
8 apparently of the yard coloured yellow and an
9 area coloured red. What is the significance of
10 that to start with?

11
12 A. The area of the yard coloured
13 yellow is our in-bound or departure yard.

14 Q. And what is the significance
15 of those words in terms of where the train has
16 come from and where it is going to go?

17 A. The in-bound yard is used to
18 receive in-bound or arriving trains from the
19 London Division and it is in this yard that the
20 necessary switching operations to that particular
21 train would be performed.

22
23 Q. Is it trains coming from
24 London?

25 A. From London and Toronto,
26 originating Toronto/Montreal, wherever.

27
28 Q. I know you will be coming to
29 it later, but the other yard, I take it, is the
30 outbound yard?



BB-4 1

A. Yes.

2

Q. What is an outbound train in

3

your parlance?

4

A. The outbound yard accommodates

5

the outbound trains or departing trains which would

6

be made up in the outbound yard and leave the

7

outbound yard by way of the connection to the main

8

track, hence to the London Division and beyond.

9

10

Q. Yes. Now ---

11

THE CHAIRMAN: I do not think this

12

was brought out, Mr. Chalmers, but I presume the

13

departure yard is the red one?

14

MR. CHALMERS: Yes. Would you

15

confirm that?

16

17

THE WITNESS: Yes. The yard, the

18

portion of the yard shaded in red does constitute

19

the departure yard.

20

Q. And the portion shaded in

21

yellow?

22

A. The portion shaded in yellow

23

constitutes the arrival yard.

24

THE CHAIRMAN: Thank you.

25

26

Q. I see areas which are blank

27

around -- apparently within what I take to be the

28

limits of the yard. What are the limits of the yard?

29

Does it extend from Janette Avenue down to the

30



BB-75

Essex terminal or can you define them in some other way?

A. I think the easiest way to define them would be from generally the area of Janette Avenue with the exception of the various areas in here.

Q. Area in here indicating the vicinity of Grove, Giles and Pine?

A. That is correct.

Q. These would be the residential areas ?

A. Residential areas, yes. Bounded on what I would refer to as the eastend of the yard, which while it is not perhaps geographically correct, and perhaps I should explain, as far as a railway man is concerned, very often when we are referring to east or west at a particular location, it could be north or south or some other direction, but trains on the London Division are generally referred to as eastward trains or westward trains, and in the interest of simplicity, I will probably very often refer to the east end of the yard or the west end of that yard, in spite of the fact that geographically it may be more close to being the north and south end.

Q. That is right. Now, have you



Nutkins, dr.ex.
(Chalmers)

BB-6

1 covered the limits of the yard? We have had you
2 around the residential area to the upper side of the
3 drawing and have you covered the rest of that side
4 of the yard?

5 A. The yard itself would extend
6 roughly along the boundaries, would be Janette
7 Street, with the exclusion of the area I have
8 already indicated, down to, we could say Tecumseh
9 Road, this area (indicating).
10

11 Q. Indicating Tecumseh Road?

12 A. Yes. And along to the
13 south of the Essex terminal trackage or Essex
14 terminal main track running in this direction.
15

16 Q. Running, indicating in a
17 direction towards?

18 A. Towards Wyandotte towards the
19 river.
20

21 Q. And then beyond the point
22 where you finished, indicated at the square, Hydro
23 Electric Commission, is there a narrowing of the
24 yard right-of-way?

25 A. Yes. The narrowing of the
26 yard right-of-way is indicated here.

27 Q. Indicating -- you just
28 indicated the two sides of the sort of stem of the
29 left hand side of the sketch.
30



Nutkins, dr.ex.
(Chalmers)

BB-7

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If I continue beyond Wyandotte?

A. The two tracks here.

Q. And that would be the one
closest to Caron Avenue and the one adjacent to
it?

A. Right. To the ferry slip at
the Detroit River.

The lower track, or the track closer,
if you will, to Crawford Avenue is the track that
goes down, I think, to approximately the area of
the University overpass.

Q. Okay.

COMMISSIONER WOODARD: Mr. Nutkins,
would it help you at all if you took the microphone
out of the stand?

THE WITNESS: It may if I can do that.
That is fine, thank you.

MR. CHALMERS: Thank you very much,
sir.

Q. Now, within that area that
you pretty well defined, basically between Janette
and the Essex terminal, Tecumseh to the river, with
the qualifications that you mentioned, with regard
to the sort of stem at one end, there appear to be
some blank spaces. Do they represent areas where you



BB-8

1 could build tracks?

2 A. Not really, sir. It may be
3 said that we could build tracks and possibly one
4 area that would come under scrutiny would be this
5 area here.

6 Q. Indicating an area between
7 the departure yard and the Essex terminal -- well,
8 the departure yard and the couple of tracks next to
9 the Essex terminal track?
10

11 A. These tracks which are the
12 tracks to the northern extremity of our property are
13 very close to the northern extremity of our
14 property are often referred to as the back lead
15 tracks.
16

17 Q. You are referring to a
18 couple of the tracks adjacent to the Essex terminal?

19 A. Correct. There is a gap
20 between the departure yard and those tracks adjacent
21 to the Essex terminal.

22 Q. Yes, is that an area where
23 you can build trackage?
24

25 A. No. It would be correct to
26 say we could physically build tracks in this area.
27 Certainly with some problems insofar as fill is
28 concerned.

29 Of that the main problem is
30



BB-9 1 the fact that tracks, yard tracks, to be of any use
2 as yard tracks to be functional at all, must have a
3 connection at both ends, that is, a connection onto
4 the lead at one end and this section

5 Q. Indicating the track from
6 which one presumably goes to the various individual
7 tracks in the departure yard?
8

9 A. That is correct. This lead
10 would have to be extended as would the similar
11 lead on the west end of the departure yard which,
12 again, is a track accommodating connections to each
13 of the tracks in the departure yard.
14

15 As this is extended, the length
16 of available track between the two leads diminishes
17 very rapidly to the point where tracks, if they
18 were constructed in this area, would be of such a
19 minimal size or length, that they would be of no real
20 good to us from an operating point of view.

21 The shortest track that we have now
22 is track of 2100 feet which represents approximately
23 32 car lengths' capacity.
24

25 Q. What length of car?

26 A. 55 foot cars.

27 Q. Thank you.

28 Now, there is an area on the other
29 side immediately above on this plan, the arrival
30 yard. Between it and some sort of curving track



BB-10

1 around this space I am mentioning?

2 A. That is correct. There is
3 an area here that would be bounded by -- it lies
4 south of No. 11 track of the arrival yard. It
5 extends to a back lead track running south of the
6 arrival yard, giving access to the area in the
7 Janette, Elliott area, where our piggyback facilities
8 are and the team track and various other loading
9 ramp facilities. In the area between this lead
10 track and the arrival yard, the number 11 track in
11 the arrival yard, the area we are looking at there,
12 the same condition prevails, and indeed, is more
13 pronounced or more critical than that described to
14 the north of the departure yard, the available
15 length of track in car lengths would make any track
16 structure or construction really of no use to us.

17
18
19 Q. Which side of the plan is
20 north, using the bottom top left and right?

21 A. Please note, the direction,
22 the north side on it is sort of on an angle.

23 Q. Yes.

24 A. As I mentioned earlier, I
25 probably perhaps get confused in my day to day work
26 as a railroad man; I consider if I were walking into
27 Windsor yard on the main track, I would be walking
28 in a westerly direction, as our railroad people
29 consider it, and I realize it is actually more in a
30



BB-11

1 geographic northerly direction.

2 Q. Now, there are a couple of
3 blank spaces in the yard areas, defined by yourself,
4 on either side of the piggyback yard. One between
5 Janette and the lead track you mentioned, and one
6 between the river and of the arrival yard, and the
7 piggyback yard.
8

9 Are either of those spaces of any
10 use for additional yard trackage?

11 A. The areas --

12 Q. No, I am sorry. I am trying
13 to indicate an area between Janette and the lead
14 tracks going to the piggyback yard and an area
15 between the piggyback yard itself and the arrival
16 yard?
17

18 A. No, they would be of no use
19 to us at all. I am reasonably certain there are
20 buildings in the area that shows it blank here on
21 Janette Street. I would not like to say for certain,
22 but if my memory serves me correctly, I believe there
23 are some buildings in there, but regardless of that,
24 they would not be of any use as far as the
25 operational value in the Windsor yard is concerned.
26

27 Q. Does that have anything to
28 do with their size?
29

30 A. I beg your pardon?



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Nutkins, dr.ex.
(Chalmers)

404

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Q. Does that have anything to do
with the available area?

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A. The fact that none of these tracks are --

Q. No, well your conclusion, your opinion that those spaces are of no use to you, does that have anything to do with their size? Perhaps it doesn't.

A. Yes, I suppose it effectively limits the size and dictates really that insofar as expansion of Windsor Yard is concerned this is a virtual impossibility.

Q. Yes, and then the only other thing that I want to cover in that connection, there are two areas, one labelled, paved automobile compound number 1; the other labelled - paved automobile compound number 3.

Now are they something you can use for additions to the yard? What are they now?

A. The area marked, paved automobile compound number 1 is in total use in connection with the loading and unloading of automotive industry products for transport by rail. It is strategically located and well located in that it has an entrance from Tecumseh Road. The operation in the auto compound really, to put it in simple terms, amounts to two phases. In this particular compound we have carloads of multi-level cars of



CC 2 1 product from the, that is vehicles, automobiles,
2 trucks et cetera, from the General Motors plant at
3 St. Therese, Quebec.
4

5 These cars will be unloaded and
6 transferred to highway transit for furtherance to
7 Detroit out the Tecumseh Road exit of the compound
8 over the Ambassador Bridge to Detroit to various
9 locations. The reverse of that operation is simply
10 the same product coming from the U.S. points, again
11 by highway transit over the Ambassador Bridge, is
12 directed to this particular auto compound where it is
13 loaded onto multi-level equipment for handling by
14 CP Rail to various points in Canada, as far afield
15 as Vancouver.
16

17 Q. Does that cover the operations
18 of both compound number 1 and compound number 3?

19 A. Basically that's correct.
20 The only exception would be in compound number 3
21 that it is totally an operation of loading equipment
22 and dispatching it to Canadian points. It does not
23 include the bringing in of product and unloading as
24 is the case in compound number 1.
25

26 Q. The area leased to Matthews
27 Lumber Company is going to revert to Canadian Pacific
28 in the near future, and would it be any good to you
29 if it did?
30



CC 3 1 A. No, it will not be reverting
2 to Canadian Pacific in the near future. It is under
3 quite a long term lease, as I recall it, over which
4 we have no control. And if it did revert to us,
5 insofar as improving the efficiency of the yard
6 operation, I must say that it would not be advantageous.
7

8 Q. Now when a train arrives, what
9 does the yard have to have, and I apologize to
10 Commissioner Woodard, but the records go back to the
11 rate on this thing and I will display my ignorance.
12 But when a train arrives what does the yard have to
13 have to take it in?
14

15 A. In its simplest terms on
16 arrival the yard must really have three basic
17 requirements. It must have adequate trackage on
18 which to accommodate the yarding or receiving of
19 inbound trains, in this case inbound trains from the
20 London Division. It must have a switching facility
21 in the way of a switching lead to permit the breaking
22 up of this train that has arrived into its various
23 components, or as we refer to them as classifications,
24 depending on the railway or railways to which this
25 particular car or cars may be delivered or transferred
26 for furtherance to destination.
27

28 With reference to the switching lead,
29 it of course is the trackage to the east of the
30



CC 4 1 arrival yard which accommodates a connection from the
2 lead track to each of the various tracks in the
3 arrival yard.

4 Q. There are symbols which are
5 diamonds half filled in, are they relevant?
6

7 A. Yes, the symbols in the shape
8 of diamonds are, they indicate hand throw switches.

9 Q. And you covered the need for
10 trackage to accommodate such a facility. What was
11 your third requirement?

12 A. The third requirement would
13 be adequate trackage in which to accommodate the
14 switching or sorting and the accumulation of the
15 various classifications pending their furtherance to
16 the receiving railroad.
17

18 Q. What are the various classifi-
19 cations?

20 A. In Windsor we have seven basic
21 classifications in addition to what we refer to as
22 Windsor-CP destined traffic. Perhaps --
23

24 Q. Are they by destination
25 railway -- I will come to that if I may in the
26 questioning in a short time Mr. Nutkins. But tell
27 the Commission what nature of classifications.

28 A. The seven classifications that
29 I have referred to would be Essex terminal traffic
30



CC 5

1 which would be handled by CP Rail crews from the
2 particular track on which it has been sorted and
3 accumulated, handled by CP Rail crews along the lead
4 track on to, into this area that crosses the main
5 line which is shown in heavy black; over towards a
6 connecting track, a connecting track that I think
7 can be plainly seen as connecting the CP Rail yard
8 facility to the Essex terminal trackage in the area
9 of Tecumseh Road.
10

11 This classification of Essex terminal
12 traffic would be handled via this particular route,
13 over Tecumseh Road, onto Essex terminal trackage and
14 then moved westward into the Essex terminal inter-
15 change, which is located to the north of Tecumseh
16 Road.
17

18 Q. And the other six classifi-
19 cations which I promise you, Mr. Nutkins, I will
20 come to in a moment, are they of a similar nature?
21 They are related to the American or other railway
22 or other facilities that are going to handle the
23 cars, the nature of the classification?
24

25 A. That is correct, they are all
26 related in that manner.
27

28 Q. Thank you. Now in the arrival
29 yard how many tracks are there that can be used
30 initially for arriving trains?



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A. Under normal operating

conditions, and we do not often have normal operating conditions, the yard master will, generally speaking, attempt to reserve tracks 1, 2 and 3 for the purpose of receiving arriving trains.

Q. I see. And these range in length over what, from what length Mr. Nutkins?

A. Number 1 track as indicated on the diagram is 3830 feet, car capacity rated in terms of 55 foot cars of 64 cars. Track number 2 is 3810 feet in length with a capacity of 64 cars. Track number 3 is 3630 feet in length with a capacity of 60 cars.

Q. And you say you seldom have normal conditions. What does that signify in terms of using those three tracks?

A. Well --

Q. Having them available?

A. It simply means that when we do have an arriving train yarded at Windsor it will require certainly tracks 1 and 2, and in some cases if it is a long train we do run into situations where we have to also yard portions of it on number 3 track.

This quite plainly, until though that particular train can be processed through the switching and breaking up or sorting exercise, those



CC 7 1 tracks 1, 2 and 3 are plainly no longer available
2 for the yarding of incoming trains.

3 Q. What happens when 1, 2 or 3
4 are not available for the yarding of incoming trains
5 and an incoming train is on its way from Toronto or
6 London or whatever?

7 A. In a situation such as this
8 we simply have no alternative but to hold the train
9 back and delay it at various points. It would have
10 to be held. There is no way that we can bring the
11 train in to Windsor yard, absolutely no way that the
12 train can be allowed to come into Windsor yard until
13 certain tracks 1 and 2 are made available and cleaned
14 out for the accommodation of that arriving train.
15

16 Q. Does that happen?

17 A. Very often that happens,
18 particularly in peak situations over which we really
19 do not have that much control. We are at the demand
20 of the shippers. There certainly are periods when
21 rail traffic is higher than other periods.
22

23 There are also many, many variables
24 that enter into the yard operations. Wintertime
25 problems create real difficulties. The switching
26 operation becomes slower and more tedious. There
27 are any number of problems that can from time to time
28 come up that will interfere with the cleaning out of
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these tracks.

Q. Is there any way -- I realize you said the problem was seasonal and there are also all sorts of variables. Is there any way that you can quantify this for the Commission? I do not know if there is, but is there?

A. If I indicated that it was seasonal that's not entirely correct. That would, perhaps, indicate that it is only bad in the winter or only bad when it rains or snows. This is certainly not the case. It's a situation that can come up every weekend of the year. Weekends on the railway are certainly peak periods.

These are periods of time when traffic that has been funnelled into the Toronto area must be funnelled out of the Toronto area. And one of the places that it must be directed, of course, one of the main places that it must be directed is towards the Detroit/Windsor Gateway.

Q. So how about the middle of the week, is that problem free?

A. No, by no means. We experience problems to varying degrees any of the seven days of the week. I would say that while it's more pronounced on weekends, and perhaps more pronounced understandably so, in bad weather conditions, nevertheless the same



CC 9 1 conditions can prevail to varying degrees at any time
2 of the week, any day of the year.

3 Q. Now you described the handling
4 or you mentioned the classification of Essex terminal
5 traffic and described it. Is there Windsor local
6 traffic in this yard as well --

7 A. Yes.

8 Q. -- as the other half dozen
9 categories that you mentioned?

10 A. Yes. There is Windsor local
11 traffic. I referred to that as Windsor-CP terminating
12 traffic. And generally speaking this traffic involves
13 loaded multi-levels coming in to Windsor to be
14 unloaded, as I have already described, unloaded in
15 number 1 auto compound, a fairly great volume of
16 empty multi-level equipment to accommodate the
17 loading operation in both the number 1 auto
18 compound already indicated and the number 3 auto
19 compound previously referred to.

20 In addition to this there is a certain
21 amount of traffic directed to Windsor and from Windsor
22 in connection with our piggyback operation previously
23 indicated to be in the Janette Street area. There are
24 other small operations in this same area, some loading
25 of odd sized vehicles, such as vehicles that are not
26 conducive to, because of their size or probably more
27
28
29
30



DD-1 1 We do have loading facilities in this
MJCEg 2 area to accommodate them as well.
3
4 Q. This area being the piggyback
5 area?
6 A. In the area of the piggyback
7 yard.
8 Q. Now you mentioned multi-
9 levels. How does the length of a multi-level compare
10 to the length of a 55 foot boxcar?
11 A. We generally calculate
12 approximately double the length when we are
13 calculating this, when we are thinking in terms of
14 car lengths. If we had 20 multi-levels in a train
15 we consider that in terms of car lengths as 40
16 car lengths.
17
18 Q. Yes, and I gather from your
19 earlier answer and when you were describing the
20 ET & R, you were describing one of six or seven
21 classifications. What is another one?
22
23 A. Another classification would
24 be the Conrail or more correctly, Consolidated Rail
25 Corporation traffic which handled in rather a
26 similar manner, again by CP Rail crews along the
27 same route as previously indicated over the
28 connecting track between our yard to the Essex
29 terminal trackage and then along Essex terminal
30



DD-2 1 trackage to a point where we can gain access to the
2 Conrail yard and it is then placed on the Conrail
3 interchange in the Conrail yard.

4 Q. And just to clear something
5 up that you will undoubtedly be asked about, what
6 is the Conrail interchange?
7

8 A. The Conrail interchange is ---

9 Q. Do you want to use the
10 diagram on the board below the yard diagram?

11 A. Yes. Unfortunately the
12 Windsor yard plan does not extend far enough to
13 indicate or show the Conrail interchange ---
14

15 Q. Which I undertake to
16 introduce shortly.

17 A. Yes.

18 Q. Go ahead.

19 A. Well ---

20 Q. On the CP Rail, Eastern
21 Region plan showing layout of railway tracks
22 Windsor being a drawing dated London, December the
23 19th, 1972 which I will undertake to give an
24 exhibit number to in a moment.
25

26 A. If I may for a moment refer
27 to this particular plan I have indicated the route
28 on the Windsor yard plan down as far as the --
29

30 Q. Hold on. I think the



DD-3

1 Commission would like this entered as an exhibit.

2 Do you mind if your counsel shares
3 this one with the public, sir?

4 Since I have gone through that
5 cumbersome exercise, Mr. Nutkins, is this drawing
6 you are now referring to entitled Plan Showing
7 Layout of Railway Tracks Windsor a plan prepared
8 under your direction?

10 A. That's correct, sir.

11 MR. CHALMERS: Could that be Exhibit
12 CP-D?

13 THE HEARING PROCESS OFFICER: It will
14 be Exhibit CP-D, yes.

16 MR. CHALMERS: Thank you.

18 --- EXHIBIT NO. CP-D: Drawing titled
19 Plan Showing Layout of
20 Railway Tracks Windsor.

21 Q. If you could go on referring
22 to it, then, Mr. Nutkins. I am sorry to interrupt.

23 A. We were dealing with the --
24 I think the transfer --

25 Q. You had used the expression
26 "Conrail interchange"?
27

28 A. Conrail interchange.

29 Q. Perhaps you could clear that up?

30



DD-4

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A. I have indicated the route that would be followed transferring traffic from the CP arrival yard and I have indicated it on the other map as far as Tecumseh Road.

Referring to the next exhibit if one continues straight on, they will come to the intersection of another portion of the Essex terminal main track which on the plan is indicated in red.

The reverse movement then is necessary along the portion of the Essex terminal trackage shown in red to a point where you will see directly above the words "Conrail", indicating Conrail yard directly above the words "Conrail". You will see tracks adjacent to the tracks outlined in red. These tracks are the Conrail interchange tracks.

Q. These are tracks in what direction from the tracks outlined in red, Mr. Nutkins?

A. They run adjacent to the tracks outlined in red.

Q. Okay.

A. The trackage in this particular area outlined in red is Conrail trackage and the interchange is adjacent to their trackage.



DD 5 1

Q. I see. What interchange takes place there?

2

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7

8

A. This is where all traffic that is being further delivered to the Consolidated Rail Corporation is delivered and conversely this is where traffic will be picked up that is being delivered to Conrail for furtherance.

9

10

Q. Is this an interchange in the sense of trains meeting and passing?

11

12

13

14

15

16

A. Oh no, sir. No. When I make reference to interchange trackage -- an interchange track is where traffic of various roads are physically placed by the delivering road and subsequently picked up by the receiving road.

17

18

Q. Now what is another rail line for which you classify cars in the Windsor yard?

19

20

21

22

23

24

A. Another classification would be traffic going to the Norfolk and Western railroad. This traffic would be handled from what I would refer to as the bottom end of the arrival yard.

25

26

Q. Indicating the end nearest the Detroit River?

27

28

29

30

A. That's correct, sir. It would be handled again by CP Rail crews pulling the string of cars along the lead track onto usually the



DD-6 1 track closest to Caron Ave., pulling it down to the
2 waterfront in preparation for loading onto the
3 Norfolk and Western barges for furtherance via
4 barge operation to the N&W 12th Street yard in
5 Detroit.

6
7 Q. And, that's three. What is
8 the fourth classification of trains that you
9 perform in that yard?

10 A. The fourth classification
11 would be container traffic arriving at Windsor and
12 this would be container traffic from the various ---
13 possibly Quebec City or Eastern seaboard ports.
14 Import traffic that would be -- and I presume
15 possibly, although I am not certain, but I would
16 rather expect that there would be some Canadian
17 domestic traffic included in the container
18 movements as well but this container traffic must
19 be handled in a similar manner to the Norfolk and
20 Western interchange. Again, through the bottom
21 end of the yard or the end of the yard closest to
22 the Detroit River, along the accommodating lead
23 track, along the track closest to Caron Ave., to
24 the Detroit River waterfront where it would be
25 loaded onto the Corrola barges for furtherance to
26 Detroit.
27
28
29

30 Q. All right. What's another



DD-7

form of traffic that you classify your traffic
into the arrival yard?

A. The next, or another
classification of traffic, would be the traffic
arriving at Windsor that will be delivered to the
Chesapeake & Ohio or Chessie Railway in Detroit.

This traffic is handled by what we
refer to as C&O puller crews. It is handled from
the appropriate yard track in the arrival yard,
along the lead, again crossing over the main line
to the crossover to the north, over the crossover
connection south of the main line to connecting
track leading to the Essex terminal trackage in
the area of Tecumseh Road and if I may now refer
again to the other exhibit ---

Q. CP-4?

THE CHAIRMAN: CP-D.

Q. CP-D?

A. And pick it up again at
Tecumseh Road. This C&O traffic, handled again by
C&O pullers from the Tecumseh Road area and
negotiates this -- what is referred to on the map
as the C&O loop track.

It connects with Conrail trackage at
the end of the loop track. It proceeds along
Conrail loop trackage which, on the map, is coloured
in yellow -- along their lead track in the



DD-8

1 Conrail yard over to its connection with one of
2 two Conrail main line tracks which crosses Tecumseh
3 Road as an overpass, past the Conrail Depot down
4 into the Detroit River Tunnel, onto the Detroit
5 side, where it moves still on Conrail trackage by
6 Conrail signal indication to the C&O Rougemere
7 yard in Detroit.
8

9 Q. I understand. That's five I
10 think. Is there a sixth classification of
11 traffic?

12 A. Yes. There is traffic
13 flowing or for delivery to the Detroit Toledo
14 Ironton Railroad referred to as the DT & I and this
15 is handled in a similar fashion to the C&O traffic
16 by DT & I puller crews which again take the
17 traffic from the appropriate track or tracks and
18 move along identically the same route as previously
19 indicated for the Conrail traffic. Through the
20 Detroit/Windsor Tunnel remaining on Conrail
21 trackage and ending up eventually at the DT & I
22 flatrock yard in Detroit.
23
24

25 Q. Is there any other classifi-
26 cation of cars?

27 A. The only other classification
28 would be what we refer to as, in rail terminology,
29 as hold cars. That's h-o-l-d and it refers to cars
30



DD-9

1 that must be held at that point to await Customs
2 clearance or certain documentation such as waybills,
3 et cetera.

4 Q. And is that a major
5 consideration?
6

7 A. No.

8 Q. The hold traffic?

9 A. No. The hold traffic
10 category would, generally speaking, be minimal.

11 Q. Now how do you go about
12 breaking up the arriving train into these seven or
13 so classifications using the tracks?
14

15 A. Well --

16 Q. In the Windsor yard?

17 A. To illustrate the arriving
18 and breaking up of the trains, using my pointer,
19 let's assume that we have a train arriving from the
20 London subdivision. As it arrives it will be
21 coming through what we refer to --
22

23 Q. Excuse me, Mr. Nutkins. You
24 may be blocking the view of the Commission Members
25 of the plan in standing in that position.

26 Is the witness doing so?
27
28
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30



EE.1
PC/ko

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MR. CHALMERS: You are able to see it?

THE WITNESS: I will try to keep to
one side then as much as possible.

MR. CHALMERS: Thank you.

THE WITNESS: If we could consider
a train, a westward train, arriving at Windsor off
the London Division, approaching from Walkerville, it
would be within what we refer to as CTC, Centralized
Traffic Control, and it will therefore proceed
through this particular area by signal indication
when it arrives at a point, I believe it is mileage
110.8 on the Windsor Subdivision, which is a point
just slightly east of Tecumseh Road; the train will
leave the CTC portion and it will pass our Windsor
yard limit sign, and having done so, it is now
governed by yard rules and restricted, or the speed
must be governed, so as to comply with the appropriate
rule.

MR. CHALMERS: Q. Whose rules are
these?

A. This would be the Rule 105
of the Uniform Code of Operating Rules which are
adopted by all railroads operating in Canada.

The train would enter the yard at,
what we refer to, at restricted speed, and the
definition of restrictive speed is a speed at which



EE 2 1 the train may be stopped within one-half its range
2 of vision, or able to stop clear of any obstacle or
3 switch improperly lined, so the train is approaching
4 Windsor and it comes into, within the yard limits,
5 just prior to arriving at Tecumseh Road. At some
6 point in this area, there will be a radio communication
7 between the head end crew and the yard master on duty.
8 The yard master is on duty in the building which, I
9 believe, is marked Yard Office. He will instruct the
10 head end crew of the train with regard to what tracks
11 he wants the train yarded in, and let us assume, for
12 the instant case, that this train would be instructed
13 to yard in track number 1, and assuming that it is a
14 train, train length of approximately 100 to 110 cars,
15 which is quite normal, the yard master will no doubt
16 even instruct him to yard the train in track number 1
17 and double to track number 2.

20 Having received his instructions, the
21 train will come down the main track, shown in dark
22 outline on your plan, at restricted speed. He will
23 continue along the dark -- I'm sorry, he will leave
24 the main track or the dark line at a point, at the
25 point where the lead track, previously referred to,
26 which is on the east end of the arrival yard. The
27 train will proceed along the lead track and into,
28 actually into track number 2 for a short ways, if
29
30



EE 3 1 you can follow that. I believe -- yes, the tracks
2 are all numbered.

3 He will then go through a switch into
4 track number 1. The train will proceed down through
5 track number 1 in the arrival yard, and when he gets
6 to the bottom end, or the end closest to the Detroit
7 River, at this point he will only have been able to
8 accommodate some 64 cars in track number 1. This
9 means, of course, that the balance of his train is
10 still hanging out from the clearance point of number
11 1 track along through number 2, along the lead back
12 to the main line and usually back over Tecumseh Road.
13

14 To complete the yarding of the train
15 the switch on this bottom end lead must be lined
16 properly and the train is then instructed to proceed.
17 It will go along heading towards the Detroit River
18 direction, on the track outlined in heavy black, the
19 track closest, the closest track to Caron Ave. and
20 he will continue down that route until the tail end
21 of his train comes in to the clearance point of track
22 number 1.
23

24 When he receives instructions that the
25 tail end is clear, in the clear in track number 1,
26 a stop again will be made, and the head end train men
27 will make a separation or cut the train at a point
28 clear of the bottom end lead.
29
30



EE 4

1 He will then instruct the engine man
2 to proceed on until he clears the switch connecting
3 number 1 track to the lead. He will then line the
4 switch in the appropriate fashion and line number 2
5 track, and having done this, he will request the
6 engineer to back up, and the engineer will push the
7 balance of the train which was the head on the train
8 arriving along now in an easterly direction until his
9 head end comes in clear of the lead track.
10

11 If, in the case of a long train or a
12 longer train and it cannot be accommodated on tracks
13 1 and 2, in such a case, he would fill number 2 track
14 to capacity and he would simply again repeat the
15 process of cutting the balance of the cars off, move
16 west, line the switches and then put the balance of
17 any cars left over into number 3 track.
18

19 For the purpose of illustration, I
20 think we were considering a train in the area of 100
21 or 110 car lengths which would mean that the train
22 would not be yarded in tracks 1 and 2.

2

23 Q. Is that a normal train length?

24 A. Yes. I would consider that a
25 normal train length.
26

27 Q. Then, once it is yarded in 1
28 and 2, what further switching operations, if any, are
29 necessary?
30



EE 5

1 A. When the train has been yarded
2 in number 1 and 2, the first operation following that
3 would be to have the car inspectors go on to the train
4 and do their car inspection, at which time, if there are
5 any parts that have defects on them, they would be
6 carted for removal. There would also be personnel
7 that would mark up the cars indicating what the
8 classification of that particular car will be.
9

10 When these operations are completed,
11 the train is now prepared for switching and the yard
12 master will instruct one of his switching crews to
13 commence switching the train out or, as I referred
14 to before, breaking this train up into its various
15 components or classifications.
16

17 Now, in order to do this, the yard
18 crew with their yard diesel unit will couple onto
19 whatever number of cars they can conveniently handle,
20 and could perhaps be 25 cars and they will pull that.
21 If they are starting in number 1 track, they will pull
22 those 25 cars back along the lead and they will use
23 either the main track towards the Tecumseh Road end,
24 if it is available for use or, failing that, they
25 will use the shorter switching lead track which you
26 will find located directly adjacent to the main line
27 to the north which connects into the main line at a
28 point down towards the Tecumseh Road end.
29
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EE 6

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The process of switching the train is simply that the string of cars to be switched are pulled back to the switch lead and then they are propelled in a westerly direction and the switchmen will line the hand operated switches along the lead. They will line the appropriate switches to receive the cars, depending on the classification of the cars, and the rail line which it is to be delivered.

During the switching operation, it perhaps can be seen or understood that partway through the switching operation, on this particular train, one of the tracks or perhaps more of the tracks will become filled to capacity. For example, if there happened to be a fairly good number of Essex terminal arriving cars on this train, perhaps the track that has been designated by the yard master to accommodate the Essex terminal traffic will very quickly fill to capacity. When this happens the yard master is then confronted with the decision of either stopping his switching operation, bearing in mind that if the Essex terminal trackage is filled to capacity, he will not be able to put any more cars in it, and as they come to an Essex terminal car in the switching operation he must have some place to put it. So, at this point he is confronted with the decision of either diverting the additional Essex terminal traffic or that



EE 7

1 particular train being switched to another track.

2 If, indeed, he has another track available to divert
3 it to.

4 Now, the other choice is to suspend or
5 delay the switching operation until such time as he
6 can have another switch crew take the Essex terminal
7 traffic from that particular classification track and
8 deliver it, as I have indicated before, over to the
9 Essex terminal track.
10

11 When this has been done, of course,
12 the track is then available for the receipt of
13 additional Essex terminal traffic and the switching
14 operation will continue.
15

16 For illustrative purposes, I have
17 mentioned that Essex terminal traffic, it should be
18 understood that these same conditions could prevail
19 with Conrail traffic, with N&W traffic, with C&O
20 traffic and with D.T.&I. traffic, with any of the
21 various classifications previously enumerated.
22

23 Q. How long does it take to line
24 the switches when track is available. Is there
25 a delay in that?

26 A. No. There is no particular
27 delay as we see it. Certainly there is a delay in
28 waiting for one car that is running free along the
29 lead with a man on a hand brake, while it goes in
30



EE 8

1 the clear into the track into which it is being
2 directed. No further car could be cut off or
3 propelled along the lead until it is in the clear
4 unless it happens to be directed to a track that
5 was to the rear of the moving car. But there are
6 some certainly in any switching operation, there are
7 some delays in waiting for the car to run in clear
8 so they can switch the next car off.
9

10 Q. Now, is there a similar yarding
11 and switching operation in the departure yard?

12 A. Yes. Really, the operation in
13 the departure yard is the exact reverse of what I
14 have described in the arrival yard, and in the
15 interest of saving time, I think it would be only
16 necessary for me to indicate that, while we in the
17 arrival yard we saw a train arriving and being
18 broken up into its various components, in the
19 departure yard we see the reverse of that. We see
20 the various components arriving into the departure
21 yard from over the reverse routes already discussed
22 that were used to transfer two of the various
23 connecting railroads. Their traffic, being transferred
24 to CP for handling, will follow the same reverse route
25 and it will come into, it will be channeled into the
26 departure yard where it will be switched out by another
27 switch crew using the lead associated with that
28
29
30



ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Nutkins, dr.ex.
(Chalmers)

432

EE 9 1 particular yard. And these interchange cars or blocks
 2 of cars that have been received and interchanged will
 3 then be marshalled or switched into or sorted into
 4 what we refer to as marshalling blocks.
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FF-1 1 And these marshalling blocks would normally comprise,
NGeg 2 to name a few, there would be cars blocked for
3 Chatham, for London, for Toronto, for Lambton set
4 up, for Montreal, for Newport. There are several
5 blocking, separate blocking classifications that we
6 use.
7

8 These various blocks then, when the
9 time comes to make up the departing train from
10 Windsor, the marshall blocks will be placed on the
11 train in the appropriate order so as to enable the
12 train as it travels eastward towards Toronto to
13 set off, for example, it could possibly have a
14 block of Chatham cars next to the diesel units;
15 a block of London cars behind the Chatham cars; a
16 block of Lambton set-off cars behind that, and
17 perhaps the balance of the train will be for
18 Toronto proper, perhaps it will contain blocks for
19 beyond Toronto. But the purpose is to have these
20 blocks marshalling the train so that when this
21 particular train arrives at Chatham it's a simple
22 set off of head end cars into the appropriate track
23 in Chatham. When it arrives in London it's a
24 simple set off of the appropriate London block into
25 appropriate tracks in London.
26
27

28 Q. A "simple set off" just for
29 the record, what's a simple set off? It might not
30



1 be simple for those who are going to read the record.

2 A. When I say a simple set off
3 that would be one move taking that block of cars
4 and setting it into a particular track as opposed
5 to a situation where you have London cars in
6 several locations on the train. This would require
7 a switching operation in London to get those London
8 cars together for the set off.
9

10 And this basically is the principle
11 behind the block marshalling of trains.
12

13 Q. Yes. Now what is this --
14 is there any --

15 THE CHAIRMAN: Mr. Chalmers, I think
16 this is an appropriate time for us to take a ten
17 minute break.
18

19 --- SHORT RECESS.
20

21 ____ ON RESUMING.

22 THE CHAIRMAN: Please be seated.

23 MR. CHALMERS: Q. Now, Mr. Nutkins,
24 I think you concluded describing the yarding and
25 switching operations, the converse yarding and
26 switching operations in the departure yard. Have
27 you completed that description?
28

29 A. Yes, I think that pretty well
30 completes the operations in the two yards.



1 Q. Now, is there anything
2 difficult, perhaps there is, is there anything
3 difficult about the individual operations that you
4 have described?

5 A. No, I would say that each
6 individual operation in itself is a relatively simple
7 operation, no particular problems with them. The
8 problem, of course, lies in the fact that while
9 there would be no particular problem if each
10 operation had its own area and trackage on which to
11 work, it would work relatively smoothly. That of
12 course is not the case and the complicating factor,
13 if you will, comes in when you realize that there
14 are many operations going on at the same time.
15

16 These various operations are
17 competing for space in which to work. And this
18 makes it somewhat more complex.
19

20 Q. Yes. And is there any
21 particular point or area which is critical in regard
22 to this complication of inter-dependent movements?
23

24 A. Yes, there certainly is in
25 the case of the Windsor yard. And I would say that
26 in the case of most yards there always will be a
27 critical area or critical point where the density
28 of movements is increased to the point where each
29 movement or operation competing for space creates a
30 complicated area or a critical area. In some



1 cases it is referred to as the throat of the yard.
2 And in the case of Windsor, if I may just define
3 the particular area, our particular problem area in
4 Windsor --

6 Q. You had probably better
7 define it, if you will Mr. Nutkins, on the copy of
8 CP-C, that is the actual official exhibit. That's
9 the one that Canadian Pacific is going to use to
10 make extra copies for our neighbours.

12 I show you the actual exhibit CP-C.
13 Am I holding up the appropriate portion?

14 A. Yes.

15 Q. Okay. Marking in red a
16 large circle on Exhibit CP-C. Do you wish to make a
17 similar mark for your own purposes on the copy?
18 That means that the supplementary copies will have
19 the circle, Mr. Chairman. I hope that that is
20 satisfactory.

22 I would ask the Clerk to show that
23 circle to the panel.

24 Would you explain the significance
25 of your circle, Mr. Nutkins?

26 A. This I would refer to with
27 respect to Windsor Yard as the critical circle. And
28 it is through this particular circle or this
29 particular area that almost all movements in Windsor
30



1 yard take place. There are some exceptions however,
2 to enumerate the exceptions switching in the area
3 previously referred to as the piggyback area,
4 switching towards the river front in connection with
5 the barge operation; switching in number one auto
6 compound; and I would say the removal of diesel
7 electric power consist from the arriving trains
8 along the back lead toward the shop area.
9

10 Those operations really do not bear
11 on the critical area. But I would say that every
12 other operation, every other switching operation or
13 every other operation associated with the train
14 operation per se, either passes completely through
15 the circle or enters and reverses and leaves the
16 circle. And if I may just for a moment, perhaps,
17 enumerate them for everybody's information, it would
18 include all these switching operations in the
19 inward yard. Because the switching lead bears on
20 the -- or is included or embraced by the critical
21 circle.
22
23

24 The switching operations in the out-
25 bound yard again are affected because the lead that
26 accommodates that particular operation goes into the
27 critical circle. The transfer movements of all
28 the various classifications of freight leaving the
29 in-bound yard to the various connecting railways,
30



1 which I have already described, all pass through
2 over the two crossovers, over the main line to get
3 to where they have to go.

4 The reverse of that is true with
5 the in-bound connecting freight coming from the
6 various rail companies through the reverse route.
7 They too have to go through the critical circle to
8 make their way down to the out-bound yard.

9 Diesel electric locomotive consist
10 leaving the shop track area which is in the area of
11 the building marked Engine House, and the circle
12 shown which indicates the turntable, these electric
13 consist having to make their way from that area
14 back onto the head end of the outbound train, they
15 have to enter and leave the critical circle.

16 Switching movements in connection
17 with the repair track and they can be identified as
18 tracks No. 14, 15, 16, 16A, 17, and 18; and 17 and
19 18 are actually the tracks that run through our
20 one spot repair operation. The others are tracks
21 where car repairs are made, car repairs requiring
22 less attention or not really requiring the use of
23 one spot and they are referred to as the fast track
24 for car repairs. All the switching of these
25 tracks again is in the performance of that
26 particular switching operation, again it must enter
27
28
29
30



1 upon the critical circle.

2 Trains arriving from London must pass
3 through it, trains departing from Windsor to London
4 must pass through it, and also the switching of
5 auto compound No. 3, which is the loading of the
6 Ford Motor product onto multi-levels for distribution
7 to Canadian points. The switching operation in
8 connection with that compound also must go through
9 the critical circle.
10

11 So I think one can readily understand
12 and appreciate that most of the switching operations
13 within Windsor yard do bear on what I have referred
14 to as the critical circle. And I think that one
15 can also readily understand that any long time
16 consuming movement through the critical circle must
17 of necessity have an adverse effect on the balance
18 of the switching operations. For example, a long
19 time consuming movement out of the in-bound yard,
20 perhaps a DT & Ipuller rung going along route as
21 previously required, towards the Conrail trackage,
22 it will pass through the critical circle. And
23 the extent of time involved in its passing through
24 the critical circle becomes quite extensive. And
25 during that time it simply means that some of the
26 operations in the yard must completely come to a
27 halt. Other operations in the yard, while they may
28
29
30



1 not necessarily come to a halt, they will be
2 severely restricted.

3 An example of that would be the
4 switching operation on the outbound yard while this
5 critical circle is occupied they could only go back
6 to this point.
7

8 Q. Indicating the last track
9 leading off from the -- would you describe what
10 point you are indicating, please?

11 A. Well, I would say that they
12 could not go back any further than the point that
13 would be clear of the crossover that you will see
14 running from the main line in a dark colour over to
15 the connecting track running to the Essex terminal
16 railway.
17

18 Q. You have been using outbound
19 and inbound. Can you relate those to arrival and
20 departure on Exhibit CP-C?

21 A. Yes, I am sorry. The outbound
22 yard is the departure yard which we have shaded in
23 red. The inbound yard is the arrival yard which we
24 have shaded in yellow.
25

26 Q. I am sorry I interrupted you
27 Mr. Nutkins, you were, carry on with your explanation
28 of the difficulty in relation to the critical circle.
29

30 A. Getting back to the critical



1 circle, as I already mentioned, long time consuming
2 movements through the critical circle have a
3 tremendously adverse effect on the total operations
4 of the Windsor yard.
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GG.1
MJC/ko

1 One has only to stand in the Yard
2 Master's location in the tower and observe -- which
3 is located and marked as Yard Office -- on the upper
4 floor of that building is the Yard Master's location
5 and one purely and simply has to stand in that
6 location and oversee, overlook the total operation
7 and they will see these various movements going on
8 in the course of a day's work and then all of sudden
9 they will see perhaps a long movement going from the
10 arrival yard through the critical circle towards its
11 destination and they will see the switching crew in
12 the arrival yard move clear and sit still for awhile
13 until it's clear.
14

15
16 They may see a diesel unit trying to
17 leave the shop track which can't go to get onto the
18 head end of a train in the departure yard.

19 They may also see a train all ready
20 to leave Windsor yard with the break test completed
21 and everything in order for departure and that train
22 will have to be held because of this movement through
23 the critical circle.
24

25 Basically the two main basic factors
26 that are problems in Windsor yard, as I see them
27 from my many observations and from my experience as
28 a railroad man, are, first of all, the serious
29 constraints insofar as expansion of the yard is
30



GG 2 1 concerned, the serious limitations of the length of
2 the tracks which require double movements of trains;
3 the fact that no expansion is possible either length-
4 wise or width-wise -- that coupled with the serious
5 conditions we have in the critical circle with long
6 time consuming movements through the critical circle
7 seriously hamper the overall operation of the yard.
8

9 The combination of these two as I see
10 are the two factors that really prompted or initiated
11 the concept of a run through operation and the idea
12 was purely and simply to divert trains where possible
13 from entering the yard so as to give some relief to
14 the trackage problems in the yard and, moreover, to
15 give a great deal of relief to the occupancy of the
16 critical circle to allow for a more expeditious
17 switching operation.
18

19 Q. Now just to summarize briefly
20 how many -- ordinarily what is the maximum number of
21 movements that are possible at a particular time in
22 the yard? Major movements?
23

24 A. Well I believe I did enumerate
25 all the various movements that would --

26 Q. The maximum number than can be
27 carried on at any one time?
28

29 A. Well --
30

Q. Effectively?



GG 3

1 A. Well in some case it would
2 really mean that only one movement can take place at
3 one time; that being the movement through the critical
4 circle but I believe I have previously qualified that
5 by saying that there may be some other movement in
6 the area that could be carried on but not carried on
7 properly because their space would be restricted and
8 I also indicated that it would, of course, have no
9 interference with movements related to the barge
10 operation or to the piggyback yard.
11

12 Q. Yes, and what is the net
13 effect of the impossibilities of carrying on these
14 movements at the same time? Simultaneously?
15

16 A. The net effect is that for a
17 period of time proper yard operation really grinds to
18 a halt and the effect would be, of course, that in
19 the case of the arrival yard they won't be able to --
20 the crews will be hampered in the process of cleaning
21 out the arrival tracks and in such a case as that a
22 train arriving or wanting to arrive from London will
23 have to be held back because there is no space to
24 accommodate it.
25

26 Q. And what about the -- well
27 do the cars accumulate in any other way? Cars from
28 the arrival yard. Is there an accumulation in the
29 departure yard?
30



GG 4 1 A. Oh yes. I would say the same
2 2 condition would prevail in the departure yard as
3 prevails in the arrival yard or many other areas that
4 requires the use of this particular area.

5 Q. And what happens -- is there
6 anything else about the yard before we move on to
7 tell the Panel what happens when trains 942 and 937
8 come into this yard? Before we come to that, is
9 there anything else that the Panel should know about
10 what is happening in the yard before they consider
11 the impact of 937 and 942 as they are presently
12 handled?
13

14 A. To the best of my ability I
15 think I have covered what I consider the basic
16 problems.
17

18 I may have overlooked some and
19 neglected to bring them to your attention, but I
20 think I have covered everything that I can think of.
21

22 Q. Now what are trains 942 and
23 937?

24 A. 942 and 937 are the two
25 Chessie trains. 942 being the eastward movement
26 coming from Rougemere Yard and actually originating
27 in Chicago going to Rougemere, but as far as our
28 operation is concerned it would be 942 -- it would
29 be the train leaving Rougemere and heading for London,
30



GG 5 1 Toronto, Montreal.

2 Q. Rougemere being the Chessie

3 yard in Detroit?

4 A. That's correct. Rougemere

5 being the Chessie yard in Detroit.

6 Q. Now 937 is --

7 A. 937 would be the reverse

8 movement, the train running from Montreal to Toronto/

9 London heading for the Rougemere yard at Detroit for

10 furtherance to Chicago, Grand Rapids and Toledo with

11 their various connections.

12 Q. And as of now, November 30th,

13 1977, these trains are handled through the Windsor

14 yard, is that right?

15 A. That's correct, sir.

16 Q. What happens when these trains

17 come to the yard? Do you want to illustrate the

18 effects?

19 A. Yes.

20 Q. Of 937 in the yard, in the

21 Windsor yard?

22 A. To best illustrate the problems

23 related to the handling of trains 937 and 942, as we

24 presently are required to do it, going into the yard

25 and out of the yard, I would draw your attention to

26 the diagram labelled CP-D and the portion shown on

27

28

29

30



GG 6 1 this diagram shaded green is an indication of the
2 portion of main line trackage to begin with from the
3 Dougall Street area into the yard and then the out-
4 bound movement over the connecting track to the
5 Essex terminal around the C&O loop track to the point
6 where the C&O loop track joins onto the Conrail
7 trackage.
8

9 The portion in yellow is the main line
10 portion which is really common.

11 It I may go back for just a moment.
12 We have a portion shown in green which really indi-
13 cates the present route being used. We have a portion
14 in red which will later be used to show the proposed
15 route and the yellow portions are those portions of
16 track which are really common to both movements, both
17 methods and to define these it would be the track
18 coming in from the London Division, the main line
19 trackage right up to the cutoff point which is just
20 east of McDougall Street where there is a connection
21 to the Essex terminal trackage.
22
23

24 The other common area is from the
25 point where the C&O loop track connects with the
26 Conrail track and heads down along the Conrail main
27 line towards the Detroit/Windsor tunnel.

28 Now to get back to the illustration
29 and a description of the handling of train 937 into
30



GG 7

1 the yard. I think at the least this is a very
2 complicated operation and I think for lay people it
3 might be of some assistance if I were permitted to
4 use a little small piece of wire -- I have equipped
5 myself with a small piece of flexible wire which is
6 jointed in the centre and as I proceed with this
7 demonstration you will understand the reason for this
8 join.
9

10 The length of wire was cut to the
11 proper length to represent a car or a train length
12 of approximately 110 to 111 car lengths and it is
13 cut to the scale or 1 inch equals 400 feet equivalent
14 to the scale on the map CP-D and if I hold it the
15 length of Powell Siding ---
16

17 THE CHAIRMAN: Could I interrupt for
18 just a moment?

19 We don't have a great number of members
20 of the public here but if any of you would like to
21 come up where you can see better what is going on at
22 the board here, then by all means feel free to come
23 up and gather around and see what is going on.
24

25 MR. WOODARD: Right up here.

26 THE CHAIRMAN: Come right up here
27 it you wish.

28 MR. CHALMERS: Q. Continue.

29 A. Again to repeat. The length
30



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of wire is such that it represents a train that will
fit into Powell Siding and cut to scale to indicate
a length of approximately 110 to 111 car lengths.

Now using this piece of wire I would
like to trace the movement of train 937 as it
presently is performed.

The train enters from the London
Division, passes Powell Siding, it proceeds over
Howard Avenue, along the line shown in yellow and
follows from the point of connection between the
Essex terminal railway and CP Rail -- it follows the
CP main line shown in green.

- - - -



HH-1

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PCeg

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It follows the CP main line, shown in green, crossing McDougall Street or it goes under Ouellette -- crosses Tecumseh Road and as it enters Windsor yard at Tecumseh Road, again, it is under the restriction imposed entering a yard and it enters at restrictive speed.

It proceeds along the main track, Having received instructions from the Yard Master to yard the train in Tracks 1 and 2. The train follows this route, similar to the other yarding operations, previously illustrated, and it enters the arrival yard.

As it gets to the bottom end of the arrival yard, as illustrated previously, you can see that the tail end of the train is still straddling Tecumseh Ave. It is then necessary to pull the train through the bottom end of the arrival yard by lining the switch, and routing it down the track towards the Detroit River front, and then it will continue down until the tail end of the train in No. 1 track comes in clear of the switch at the east end of No. 1 track.

Now, at this point, the train will be stopped and, as previously illustrated, the cut will be made in the train, and the head end portion will proceed down further until it can clear the switch



1 onto the lead. The appropriate switches will then
2 be lined and the movement will be reversed so that
3 the head end of the train can go back into No. 2
4 track.

5
6 So, at this point, we have the train
7 in two cases sitting in tracks No. 1 and in No. 2
8 in the arrival yard. At this point in the exercise,
9 we have the two portions of train 937 sitting,
10 what was the rear portion of the arriving train
11 sitting in No. 1 track clear of the lead at both
12 ends.

13
14 What was the head end portion of the
15 937 arriving has been placed in No. 2 track clear
16 at both ends.

17 We are now confronted with -- we
18 have the train yarded in Windsor yard; after having
19 done so, the diesel electric power from the head
20 end of the train will be taken back by the route
21 previously indicated toward the shop area where it
22 is checked over for return movement to London.

23
24 The caboose will be removed from the
25 tail end of the train and stored in appropriate
26 track.

27 We are now confronted with the
28 problem of operating the train from Windsor yard to
29 Detroit. With respect to this movement, the first
30



1 thing that must be done, would be to put another
2 caboose on to the tail end of the train which now,
3 which was the head on the train arriving, and now
4 becomes the tail end of the train leaving, so the
5 caboose will go on the bottom end of that No. 2
6 track.

7
8 The diesel units that will handle
9 the departing train to Detroit, will be placed on
10 the east end of the portion of train which, again,
11 is the rear portion of the train, located on No. 2
12 track. The diesel unit will completely charge the
13 train line, the brake train line, and number 2
14 brake test as required by rule will be conducted.
15 The units will then be moved off No. 2 track portion
16 onto the portion of the train on No. 1 track, where
17 the operation will take place and the train line
18 of this portion will be fully charged and the
19 proper No. 2 brake test conducted.
20

21 Now, at this point in time we are now
22 ready to start what we refer to in rail terminology
23 as a double-over and the double-over process is
24 simply the process whereby those two pieces of
25 train are put together to make one train for
26 furtherance to Detroit.
27

28 This process cannot start until such
29 time as our people in Windsor yard are advised by the
30



1 Conrail dispatcher in Detroit that he is prepared to
2 accept the train, and to explain this for one moment,
3 before the Conrail dispatcher, and this is really
4 one of the big problems in the handling of this
5 train in this particular fashion, the problem is
6 basically that the Conrail train dispatcher in
7 Detroit, who has the responsibility for the train
8 operation within Detroit terminal, he must be in a
9 position before he releases our train for furtherance
10 for movement to Detroit, he must be convinced and
11 be satisfied that he can, from an operational point
12 of view, that he can commit trackage to this
13 particular movement that will extend from a signal
14 located approximately where the C&O loop track
15 connects to the Conrail trackage, right through the
16 Canadian side of the Conrail System, through the
17 Detroit River Tunnel, and onto their trackage on the
18 other side of the tunnel, up to a point referred to
19 as the West Detroit interlocker which further, I
20 think, further in evidence presented, I will be
21 able to illustrate exactly where the Detroit, West
22 Detroit interlocker is, but for the purpose of this
23 demonstration, I would again repeat that the movement
24 of train 937 out of the yard, cannot proceed until
25 such time as we have permission from the Conrail
26 terminal train dispatcher, to allow the train to
27
28
29
30



1 start the double-over movement and proceed, and from
2 the time that he thinks it is all right to release
3 the train, from that point forward, I would like to
4 demonstrate, if I may, what actually happens: You
5 will recall that the portion of the train on No. 2
6 track has already been fully charged and the No. 2
7 brake test conducted. The portion of the train on
8 No. 1 track has the diesel units on it at this point
9 in time. The No. 2 brake test has been conducted.
10 On instructions from the Yard Master that it is
11 all right to start his double-over in preparation to
12 depart for Detroit, the portion will move out of
13 No. 1 track along the connecting trackage toward
14 the Essex terminal railroad in this fashion.
15

16
17 It will cross Tecumseh Road
18 and continue around the C&O loop track.

19 Q. Now, you have been relating
20 these movements to the critical area of the yard?

21 A. If I might perhaps, I could go back to that question.

22 Q. Certainly.

23 A. During the movement of this
24 train 937, it is, I think, it is quite apparent
25 that it is actually traversing to what I refer to
26 as a critical circle, but to clarify the whole thing,
27 or the whole operation, perhaps it would be best
28 to illustrate the double-over and the departure and
29
30



1 then go back and, with your permission, Mr. Chairman,
2 I would recap and point out the difficulties that
3 have prevailed.

4 So, the head of the train continues
5 around here (indicating) far enough to come out
6 of the east end of No. 1 track, and to clear the
7 switch on this particular track onto the lead so it
8 then may be reversed and coupled onto the portion of
9 the train that was sitting in No. 2 track.

11 Now, in the position we are in now,
12 I think it can be seen first of all that the head
13 end portion, to make the double-over movement, has
14 had to traverse Tecumseh Road. It has had to
15 move over Tecumseh Road, around the loop track, and
16 in making reference to the loop track, I should point
17 out that the curvature on the C&O loop track is very
18 severe curvature, a 19 degree curve. There are
19 speed restrictions imposed on movements over this
20 particular track to the extent of 4 miles per hour
21 while the diesel units are negotiating the curve
22 and 6 miles per hour while the balance of the train
23 is negotiating the curve.

26 So, we now have, in effect, what we
27 have, is 937 completely together but we have already,
28 at this point in time, blocked Tecumseh Road for
29 approximately -- depending on any problems or any
30



difficulties, I would say a minimum of 14 to 15 minutes. Bearing this in mind, we really in the interest of the motoring public, we really have no alternative but to relieve, give them some relief and this is the manouver we are pretty well forced to undertake; in order to allow the traffic that has been blocked on Tecumseh Road for that period of time to move, what we do is line the switch which is at the bottom end of the No. 2 track, or the end closest to the Detroit River, we line that switch provided we have no movements, no switching movements in that area, and to all intents and purposes, we really eliminate any switching movement in that time or restrict ourselves for switching movements during this operation so as to enable us to clear the traffic at Tecumseh Road and what is done when the switch is lined, the train, and bearing in mind before the train can start its reverse movement, the train brakes on the portion that is sitting in No. 2 track must be completely released, unless the brakes, if the engineman attempted to make the reverse movement to clear the traffic at Tecumseh Road, before the rear end brakes were released, the lateral forces on the rail in this loop track, bearing in the mind the 19 degree curve, would be catastrophic.

What would happen, the high rail



1 or the outside rail, the lateral thrust would just
2 throw it out and we would have a major derailment
3 in the area so bearing that in mind, the engineman
4 waits until he has his tail end brakes fully
5 released and then he backs up.

6 The train backs up in this fashion
7 going down, as I indicated, towards along the track
8 towards the Detroit River.
9

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Nutkins, dr.ex.
(Chalmers)

II-1

NGeg

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And backs up to a point where the head end of the diesel electric unit will stand clear to Tecumseh Road. The train will remain at this location a sufficient length of time to allow the traffic that has been backed up to clear. And in many cases this would amount to, from my experience and observations, I would say anywhere from 4½ to 5 minutes.

Having accommodated the waiting traffic the next move then is to make, proceed with their final departure from Windsor yard. The crossing protection is started manually by the head end trainman. The engineer -- and incidentally I must go back for one moment and emphasize that when the reverse movement is made as just described, when the train brakes applied at this location to stop the movement clear of Tecumseh Road, this constitutes the No. 2 brake test with the two portions that have already been tested previously, and put together we now have met the full obligation out of the rules to conduct the final No. 2 brake test.

This is an indication to the engineer that his brakes are functioning from the head end to the tail end, quite necessary in the operation of trains.



II

1 As I indicated, when the traffic
2 has been allowed to clear the train will now, after
3 the signal of protection of the crossing has been
4 started, the train will commence its movement
5 through the loop track. And I think rather than
6 use the wire I will resort to using the pointer
7 to indicate the route.
8

9 The train now departs from Windsor
10 yard and negotiates the 19 degree curve at a speed
11 of 4 miles per hour, while the diesel units are
12 negotiating the curve at the speed of 6 miles per
13 hour for the balance of the train.
14

15 This means really a very time
16 consuming, a terribly time consuming movement over
17 Tecumseh Road. And in speaking to crews they tell
18 me, and I have seen it for myself, that the people
19 are extremely aggravated and I can certainly as
20 an operating officer of CP Rail, I can certainly
21 appreciate their aggravation and understand their
22 aggravation. But nevertheless, this is the only
23 way, gentlemen, the only way that we can get 937
24 out of Windsor yard headed for Detroit. So the
25 train proceeds around the 19 degree curve. It goes
26 onto the Conrail trackage at the connecting point,
27 down along the lead of the Conrail yard, onto one
28 of two main tracks, depending on the discretion of
29 the terminal, the Detroit terminal dispatcher, down
30



1 through the Detroit/Windsor Tunnel to the American
2 side where it continues on Conrail trackage under
3 signal indication, up past such important locations
4 as the 15th Street interlocker, the 20th Street
5 interlocker, the Bay City Junction interlocker and
6 the West Detroit interlocker. At West Detroit it
7 bears to the left and goes on to the Conrail-Toledo
8 Branch Division and moves along in that direction
9 towards the Delray Junction where it leaves the
10 Conrail trackage onto C&O trackage and perhaps into
11 the C&O Rougemere yard.
12
13

14 That pretty well describes the
15 complex movement of train 937 as presently handled
16 into Windsor yard and out of Windsor yard. The
17 reverse operation for 942 is much the same. It
18 comes from Rougemere yard in Detroit, through the
19 reverse route, over Conrail track through the
20 Detroit-Windsor Tunnel, along the Canadian segment
21 of Conrail, past the Conrail depot, along the lead
22 track shown in yellow, onto the connection of the
23 C&O loop track, at which point again the speed
24 restriction of 4 miles per hour for the units and
25 6 miles per hour for the balance of the train
26 prevails. And the train stops at the switch
27 connection to the Essex terminal located just at
28 Tecumseh Road.
29
30



1 The switch is lined properly, the
2 crossing protection is started and the train again
3 crosses Tecumseh Road and follows the reverse route.
4 And this time going down into, perhaps, Track 1 and
5 2 of the departure yard depending on the discretion
6 of the Yardmaster on duty and the availability of
7 tracks to the Yardmaster.
8

9 That pretty well, I think, as best
10 I can, demonstrates the handling of trains 937 and
11 942 as we presently handle them into Windsor yard
12 and out again. And at this point I think I should
13 stress that the method just described requires
14 actually five," a minimum of four crossings off
15 Tecumseh Road and a possible fifth crossing off
16 Tecumseh Road in any case where the train length
17 requires a double-over movement to leave the yard.
18

19 So we are faced with four and
20 possibly or usually I would say, certainly for a 110
21 car length train we are faced with five crossings
22 of Tecumseh Road, and five very time consuming
23 crossings of Tecumseh Road when you bear in mind the
24 restrictions entering the yard, the restrictions
25 on the loop track and the restrictions as 942 leaves
26 the yard.
27

28 In addition to this we also have
29 four very time consuming occupancies of what I have
30 described up here as the critical circle.



1 Q. Referring to CP-C?

2 A. Referring to CP-C, correct.

3 We have the four occupancies of the critical circle
4 with 937 arriving, 937 departing and making a double-
5 over and then the final departure. 942 arriving,
6 942 departing.

7
8 Q. Before you, I take you now
9 to your observations of November 9th. And before I
10 do, are you finished with the yellow wire?

11 A. Yes.

12
13 MR. CHALMERS: I wonder if it might
14 be of assistance to the Commissioners if I were to,
15 may I leave the yellow wire with the Commissioners?
16 Do you wish to call it CP-D?

17 COMMISSIONER WOODARD: Mr. Chalmers,
18 it might be better for you to keep it when it comes
19 time for Mr. Nutkins to be cross-examined.

20
21 MR. CHALMERS: Very good. I am sure
22 the Commission would have it for me but I am in the
23 hands of the Commission. They would be glad to
24 keep it and produce the identical wire, then we
25 could be sure that the identical wire was produced
26 for cross-examination.

27 THE CHAIRMAN: The only thing that
28 bothers me, Mr. Chalmers, if we lose it we are in
29 bad trouble but if you lose it you can always make
30



1 another.

2 MR. CHALMERS: Well, that's fine,
3 we will -- but don't ask me to distribute 20 of them.
4 We will keep it.

5 Q. Then on November the 9th of
6 this year ---
7

8 THE CHAIRMAN: Mr. Chalmers, I do
9 not like to interrupt but if this is a convenient
10 time to break until tomorrow, fine, but if you
11 would prefer to go ten minutes and break then --
12

13 MR. CHALMERS: Yes, I think the
14 observations of November 9th relate to occupancy
15 of the critical circle, blockage of the Tecumseh
16 Road traffic, as a result of this very manouver
17 on that particular day made by this witness. If
18 that meets with the approval -- if that takes too
19 long I would not do it.

20 THE CHAIRMAN: That is fine.

21 Q. Mr. Nutkins, on November 9th,
22 1977, did you make certain observations of the
23 movement of trains 937 and 942 on that day? Before
24 you answer that question about what time the 937 and
25 942 operated in and out of the yard?
26

27 A. It is usually in the general
28 area of, say, dinner time.

29 Q. That's different for different
30



1 members of the population?

2 A . I cannot, unfortunately,
3 on the example I have here I would know the time that
4 it left Rougemere and arrived in Detroit.
5

6 Q. Late afternoon or early
7 evening?

8 A. Late afternoon, yes.

9 Q. And I show you summary
10 tables of which large ones have been posted, one
11 headed - Blockage of Tecumseh Road Traffic, November 9,
12 1977; and one headed Occupancy of Critical Circle,
13 November 9, 1977.
14

15 What do these tables reflect?

16 A. These tables for convenience
17 of those wishing -- are prepared as duplications of
18 the tables shown on the board. They were prepared by
19 my staff on my direction and they reflect the times
20 that I personally recorded as I rode these trains
21 on that particular day.
22

23 Q. Before we go any further I
24 wonder if that could be Exhibit CP-E; and if we
25 could perhaps mark one of the small ones if the
26 Committee wish. And I have three of each for the
27 Committee Members. And for the moment if I can
28 retain one to make further copies and one for the
29 interveners. The mill has begun to grind.
30



1 THE CHAIRMAN: There are two sheets,
2 do you wish to have them numbered differently?

3 MR. CHALMERS: I would suggest that
4 they be sheets 1 and 2. The reason for that will
5 be apparent as soon as I lead the substance of the
6 evidence from Mr. Nutkins, or Mr. Nutkings gives the
7 substance of the evidence. I would suggest they be
8 sheets 1 and 2 of Exhibit CP-E.
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EE.2.1
NG/ko

1 And the one with which Mr. Nutkins, I think, would
2 prefer to deal first, which one is that?

3 A. I think I will deal with the
4 blockage of the Tecumseh Road traffic first.

5 MR. CHALMERS: If that will be
6 satisfactory to you, sir, the Tecumseh Road blockage
7 one will be sheet 1 of Exhibit CP-E; and the occupancy
8 of critical circle will be sheet 2. You will
9 observe, sir, that the figures are practically the
10 same.
11

12 Q. Now how did you make the
13 observation reflecting, you said something about
14 riding a train. What did you do on the 9th of
15 November in relation to these trains to produce
16 these figures?
17

18 A. On the 9th of November I
19 rode both trains 937 and 942, and to do so I
20 travelled by automobile from Windsor to the
21 Rougemere Yard where I boarded train 942 and rode
22 with the head end crew on the leading diesel unit.
23

24 --- EXHIBIT NO. CP-E(1): Document entitled
25 Blockage of Tecumseh
26 Road Traffic, dated
November 9, 1977.

27 --- EXHIBIT NO. CP-E(2): Document entitled
28 Occupancy of Critical
29 Circle, dated November
30 9, 1977.



JJ.1
MJC/ko

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A. I rode 942 through the route previously described into Windsor yard and I rode 937, again on the head end diesel electric unit with the engineer, from Windsor by the reverse route to Rougemere yard and then was transported by automobile back to Windsor.

Q. Now the first observation on sheet 1, the blockage of Tecumseh Road -- and you were saying that 937 consisted of 102 cars that day, did it?

A. That is correct. 937 on that particular day consisted of 102 cars.

Q. And of course you were riding first on 942 so I suppose we ought to take 942 -- your first observation was the blockage -- would be the blockage of 942 would it, and please correct me?

A. Yes. That would be the order that the blockages occurred. 942 --

Q. There is a line there 942 57 cars. That was its length on that day, was it?

A. That's correct.

Q. Is that -- was that unusually short or is that normal for 942?

A. Well it varies recently. I would say that is a pretty normal number but we do have 942's running higher than that.



JJ 2

1

Q. Well that is the train you

2

rode in any event from Rougemere to Windsor yard?

3

A. Yes.

4

Q. Yes you have told us, told the

5

Committee and that observation of 7 minutes and 5

6

seconds -- well is that an observation made by you

7

personally?

8

9

A. That is correct.

10

Q. And what does it represent?

11

A. The time from --

12

Q. What time until what time?

13

A. The time 7 minutes and 5 seconds

14

which is indicated on the chart as 942 arriving yard

15

which is Windsor yard it is the time from the time

16

that the diesel units physically blocked Tecumseh Road

17

until the tail end, the tail end of the caboose

18

clears Tucumseh Road.

19

20

All of the times listed on the chart

21

represent this physical blockage of Tecumseh Road and

22

do not relate to the time, the advanced time when the

23

crossing protection signals would be operating.

24

25

Q. Yes, and what is -- do you have

26

any idea of the difference in time -- I am sure you do

27

have -- but what is the difference in time roughly,

28

do you know?

29

A. I would have to estimate.

30



JJ 3

1 Certainly at the Tecumseh Road crossing -- there are
2 actually two crossings of Tecumseh Road. I should
3 make that clear. The one crossing of Tecumseh Road
4 is the CP main line crossing of Tecumseh Road. The
5 other one is the crossing of the Essex terminal
6 trackage of Tecumseh Road.

7
8 Q. These are crossings immediately
9 into the yard, are they?

10 A. That's correct.

11 Q. And the 7 minutes and 5 seconds
12 is the actual blockage you said. How much more is it
13 from signal to signal?

14 A. There are two signal systems
15 that prevail. In the case of the Tecumseh Road
16 crossing of the Essex terminal trackage it's a
17 manually operated crossing protection and the train
18 crew, the head end train crew presses a button and
19 the train must come to a stop. The train crew presses
20 a button to start the crossing protection operating
21 and proceeds.

22
23 In the case of the CP main line crossing
24 of Tecumseh Road, this is the standard automatic
25 crossing protection which is a timing circuit and at
26 a pre-described or pre-destined point when the train
27 reaches that point, of course, the crossing protection
28 commences to operate. It will operate continuously
29
30



JJ 4

1 until the tail end of the train has passed through
2 the crossing and leaves the circuit on the leaving
3 side of the crossing but to answer -- I think the
4 question was how much time --

5 Q. How much --

6 A. -- time in advance and I would
7 make a guess and depending of course on many factors
8 but I would say a good guess would be a minute in
9 advance.
10

11 Q. For which crossing?

2

12 A. For the main line crossing,
13 the CPR main line. It would be somewhat less because
14 of the end operation feature on the Tecumseh Road
15 crossing.
16

17 Q. And the 7 minutes 5 seconds
18 time that we are dealing with is the Tecumseh Road
19 crossing leading from the loop track, is that right?

20 A. The 7 minute 5 second time is
21 the arrival of 942 over the Essex terminal crossing
22 of Tecumseh Road.
23

24 Q. Yes, and then the next figure
25 is the yard figure of 5 minutes and 20 seconds.

26 Now you have given evidence that you
27 rode 937 back to Detroit. Were you on 942 as it left
28 the yard or on number 9 ---

29 A. I wasn't actually on 942 but
30



JJ 5

1 you must bear in mind that there is a delay, a time
2 delay from the arrival time of 942 to the departure
3 time of 937 and this permitted me to make my own
4 observations on the ground at Tecumseh Road with
5 relation to the departure of train 942 from the
6 Windsor yard.

7
8 Q. And this is the main line
9 crossing of Tecumseh Road?

10 A. That is correct.

11 Q. I see.

12 A. Now that crossing occupancy
13 time which again is a physical blocking of the
14 crossing by the train was to the extent of 5
15 minutes and 20 seconds.

16
17 Q. And as I understand your
18 evidence it would be at least 6 minutes from the
19 time when the signals started to operate?

20 A. Yes. At least 6 minutes
21 from the time that signals are operated.

22
23 Q. Now you have also got a time
24 for the blocking of Tecumseh at 937 arrived. This
25 I take it is the main line crossing of Tecumseh,
26 is that right?

27 A. That's correct.

28 Q. And I take it again you weren't
29 -- were you on the train?
30



JJ 6

1 A. No. The figures indicating
2 the Tecumseh Road blockage by the arrival of 937 on
3 the main line crossing of Tecumseh Road were taken
4 by myself personally sitting in an automobile
5 adjacent to the crossing.

6 Q. And then the double over.
7 Where were you when you made that observation?
8

9 A. On the double over of the
10 train I was with the engine crew on the leading
11 diesel unit and was in a position, a proper position
12 to record these times.

13 Q. As I recall your evidence the
14 double over could have been done in such a way as to
15 block either of the Tecumseh Road crossings? If I
16 have misunderstood your evidence please correct me.
17

18 A. The double over would only
19 block this.

20 Q. The Essex --

21 A. That's correct.

22 Q. -- terminal crossing?

23 A. Yes. If a double over were
24 necessary from the outbound yard -- to the best of
25 my knowledge we have never had to perform a double
26 over that blocked the main line crossing.
27

28 Q. All right. Then following the
29 double over which blocked Tecumseh for 14 minutes and
30



JJ 7

1 10 seconds plus the extra minute that you have told
2 us about, you also timed the yard departure and on
3 your earlier evidence -- were you in the cab when
4 that happened?

5 A. That's correct.

6 Q. I see.

7 A. And this particular time
8 recording indicating the departure, that is the final
9 departure from Windsor yard -- I was on the head end
10 unit again of train 937 and I took the time as the
11 unit physically blocked Tecumseh Road and Essex
12 terminal crossing. I was not able to remain on the
13 train and also be at the crossing to record the
14 clearing time of the tail end of the train so I had
15 my -- one of my staff, an assistant general yard
16 master -- I synchronized my watch with his or his with
17 mine and I requested him to position himself at the
18 Tecumseh Road-Essex terminal crossing and record on
19 paper the time that the tail end cleared Tecumseh
20 Road crossing.

21 Q. Now those crossings, according
22 to the chart sheet 1 of Exhibit CP-E, total nearly an
23 hour, 54 minutes and 59 seconds plus the lead time,
24 whatever the proper expression is at the signal.
25 However there are two crossing of Tecumseh Road.
26 Is there any duplication in that, is there any time
27
28
29
30



JJ 8 1 that there might be five minutes where, you know, five
2 minutes is blocking the main line and the same five
3 minutes is blocking, you know, the Essex crossing of
4 Tecumseh Road?

5 A. No. There would be absolutely
6 no duplications.

7 Q. All right. Now on the proposed
8 headings -- you have got two headings. Present and
9 Proposed. Present you have explained. It is the
10 usage through the yard. What is meant -- I think we
11 all know -- but what is meant by Proposed? You have
12 got nil for all of these times.

13 A. Yes. As we can see under the
14 heading of Present we have totalled the total amount
15 of crossing blockage time at Tecumseh Avenue to be
16 54 minutes and 59 seconds.

17 If we were operating as we proposed
18 or would prefer to operate, as I previously
19 illustrated, there would be no crossing of Tecumseh
20 Road and therefore the times in each case would be
21 nil.

22 Q. I see.

23 A. And what I am saying is that
24 the present operation requires or results in the
25 crossing being blocked some total of 54 minutes and
26 59 seconds. If we were to operate as we proposed
27
28
29
30



JJ 9

1

the crossings would not be blocked at all.

2

Q. As you propose. You mean with

3

Powell Siding?

4

A. Yes, that's correct.

5

Q. Now it may be the wrong time

6

in your evidence and I will take you back to this, but

7

are you going to be telling us in due time about some

8

additional blockings of other roads, some negative

9

items involved in the use of Powell Siding?

10

11

A. Yes.

12

Q. Because after all one is

13

between Howard and Walker and we have heard a good

14

deal already about blockage from the neighbours of

15

those roads.

16

17

A. Yes, that's correct. I

18

certainly will be prepared to discuss any blockages

19

of either Howard Avenue or Walker Road which would

20

relate to or result from the use of Powell Siding.

21

MR. CHALMERS: I am almost there.

22

Perhaps you would like to leave the critical circle,

23

sir?

24

25

THE CHAIRMAN: I assume Mr. Nutkins

26

will be here tomorrow in any case.

27

MR. CHALMERS: He certainly will.

28

THE CHAIRMAN: Well I think this

29

would be an appropriate time to recess because we are

30



JJ 10

1 supposed to break at five.

2 MR. CHALMERS: I appreciate that.

3 THE CHAIRMAN: It is our arrangement
4 with the building and I don't mind abusing our
5 privilege a little bit but I think we should be
6 reasonable.
7

8 MR. CHALMERS: Quite so. I appreciate
9 your kindness in sitting late.

10 THE CHAIRMAN: We will reconvene at
11 10:00 in the morning.

12
13 --- WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M.
14 ON THURSDAY, DECEMBER 1ST, 1977.

15

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